TENTS OF THE MIGHTY

DONALD RICHBERG

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TENTS OF THE MIGHTY

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Randall

DONALD RICHBERG

AUTHOR OF "THE SHADOW MEN," "A MAN OF PURPOSE," ETC.

WITH A FOREWORD BY
PAUL U. KELLOGG

Willett, Clark & Colby
NEW YORK 1930 CHICAGO

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Manufactured in The U. S. A. by The Plimpton Press
Norwood, Mass.-LaPorte, Ind.

Acknowledgment is gratefully made to the Survey Graphic for permission to reprint such parts of this book (including illustrations) as appeared serially in that magazine.

Publishers
WILLETT, CLARK & COLBY
Chicago: 440 South Dearborn Street
New York: 200 Fifth Avenue

TO FLORENCE

whose steadfast and sympathetic
aid to her husband passes
all understanding

240952

FOREWORD

In his campus days, Donald Richberg won his college letter on the track; and his narrative of American experience has all the resiliency of a relay race. Sheerly as a "true story" it offers rattling good entertainment; but the analogy holds whether we think of it in terms of his own course, baffled in one lap only to swing ahead in the next, or whether we think of it in terms of the changing incarnations of the democratic impulse in our times. These he treats at once warmly. with the zest of a participant, and whimsically, with the philosophic edge a vivisectionist might bring to the nine lives of a cat.

He is wrong at one point. We count it a rare stroke that my brother and I induced him to write this book; but no one who knows the tough insurgency of which he is made will believe for one minute that it was written "under stern command." Rather he wrote it in response to eager insistence that this realistic chronicle of our generation "on the march" should be told

through the intimate encounters of one who had spent twenty-five years in the tents of those mighty who, one and another, have assumed to tell us whither we should go.

For here in their encampments has been this modern minstrel with a marshal's baton in his hip pocket; a man with a penchant for writing, off and on, political platforms, popular songs, novels, learned articles in legal and economic reviews—and light and serious verses. Surely a lawyer of national reputation, with deeply grounded convictions, who nevertheless is constantly amused at himself and all other humans, pitting themselves against unknown and largely unrealized forces, ought to write history as well as to help make it. Moreover, he has had a bent that way. When early in his career he was the progressive candidate for prosecuting attorney, the University Club of Chicago was producing his comic opera as its annual show. Ten years later when he was fighting for the railway labor unions against the injunction of Attorney-General Daugherty, his newly published novel of a sentimental political martyr puzzled the reviewers. One called it "the unforgettable portrait of a soul"; another, a "masterpiece of burlesque."

We first discussed the project of this book in that piping time, sufficiently identified by the names of our first two post-war presidents, when the citizenship of these United States seemed to have pitched camp for a long season among the flesh pots of prosperity. They were a bit winded after their charge to make the world safe. It was a period of disillusionment, sophistication, sag. "What is worth fighting for in American life?" we asked of a jury of men and women whose qualification was insight rather than ignorance, and who were conscious of new or resurgent stirrings among men.

The juror at the end of our front row proved to be a whole panel in himself. It would have been sheer waste to have let him off with a snap verdict. His article must become a series, his series a book. Before him had passed a pageant of strangely mixed leaders in every field of national life—Roosevelt and Newton Baker, Michelson and Insull, Jane Addams and La Follette, Bryan and Darrow—through which had moved a man of religious faith and skeptic mind, always asking: "Why do we do this?" and "Where do we go from here?" Stored away in his correspondence files and memory were illumi-

nating incidents, spotlight phrases, glimpses behind the scenes of great events, that shed a new and engaging light on the forces still struggling to master the thought and to direct the energies of the American people.

Now the story has been written. From limitations of space only a part could be printed in *Survey Graphic*. It starts in a college fraternity at the turn of the century. It grows quickly into an insider's account of the Progressive movement which came of age in the Roosevelt campaign of 1912, faltered in 1916, died politically when "normalcy" overwhelmed La Follette in 1924. Social issues shifted from the ballot-box and this Chicago lawyer, still in his forties, put his mark on the railroad-valuation case before the Interstate Commerce Commission and the U. S. Supreme Court, which with its fabulous stakes has proved to be the prime legal battle between owners and users (of property) in our generation. His mark, also, on the development of a new structure of industrial relations in which the government, railway brotherhoods and the operators play their parts. Out of these experiences, out of his contacts with scientists and technicians, he searches out something to take

the place of the moralities of Armageddon, the legalities of court action, the cleavages of class conflict.

And it is here that I wish to come back to that analogy of the relay race with which I began. In spite of his exceptional qualities, Donald Richberg has gone through essentially the American course. He started at scratch in things of the spirit and the spiked shoes of the young materialists of 1930 line up along the same tape. He was caught up in the political militancy of the first decade of the 1900's but the second saw him a lap ahead of its older leaders who had not his grasp of the industrial forces which were reconditioning the function of government.

The third decade has seen him, with his sentience to scientific advance, a lap ahead of those who cling to an out-moded range of economic solutions. The essential youthfulness of his approach has spanned the three decades in an era of transition; and he is ready not only to strike hands with an oncoming generation, but to run the course in advance of them. The torch he carries into this new decade is a kindling awareness of the dynamic which has stirred all these great currents in our social life—an epic sense of

common adventure—the flare for matching innovating word with concerted deed in a sequence of new worlds.

From the first to the last page this is a fascinating prose ballad of the leadership of yesterday and today, shot through with prophetic glimpses of the future that may well inspire others to follow the "new captaincies" under whose standards he hopes that mankind may yet realize some of its "old dreams." Whether they agree or disagree with his philosophy, readers of every variety of social and political faith will enjoy this racy, good-humored tale which he describes with ironic inaccuracy as the biography of an Unknown Soldier.

PAUL U. KELLOGG

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DRAWINGS BY J. H. DONAHEY

I

WHEN WE WERE FLAMING YOUTH

"DON'T KNOW WHAT THE MOTHERS OF THESE YOUNG GIRLS ARE THINKING OF!"

I

WHEN WE WERE FLAMING YOUTH

The ballroom of the summer hotel was crowded that hot night in July, 1902. Young men and women, oppressed with heavy heads of hair and too much clothing, clung moistly together and swayed to the sweet rapture of the Dream of Heaven waltz, wherein an Oshkosh cornetist had blared his passions to the world.

The barroom was also crowded. In one corner a pale, world-weary youngster from New York, New Haven and Hartford was ordering absinthe cocktails for a select gathering of eastern aristocracy. In the center of the room a broad, red-faced son of Wisconsin led a much larger crowd through the fifteenth repetition of "It's always fair weather when good fellows get together."

A national college fraternity was holding its annual convention and a cross-section of the "flaming youth" of my generation was here exhibiting some of the raw material of the lead-

ership of the present day. Many of the older people lounging on the broad verandas shook their heads in ominous prophecy.

"Pretty wild boys, it seems to me."

"Don't know what the mothers of these young girls are thinking of."

Newton D. Baker, back in 1902, pointing a sharply accusing finger at the genial chairman

"Did you hear that party come in from a moonlit sail after three o'clock this morning?"

But a peek into the convention "in secret session" the following morning would have surprised the rocking-chair brigade. The old order was in

control — its bell-wether a noted yachtsman of generous and pleasing personality. The new order was challenging the old at every stage in the proceedings. Standing out from the group of rebels, a thin, dark-haired young man, wearing glasses, pointed an accusing finger at the genial

At the turn of the century . . . with a stein on the table and the sex question in the air

chairman and lashed him with beautiful, stinging phrases. This was my first glimpse of Newton D. Baker, lover of peace and happy warrior, secretary of war in the "war to end war." Beside him rose Frederic C. Howe, always radical but a little tired even in 1902.

The fraternity convention pushed a steam-roller over the rebels that year, but the porch gossips would have understood the younger generation better if they had heard the convention debates in the morning, instead of listening at night to whispers and laughter on the dark verandas, or ribald singing in the grillroom. At the turn of the century my generation was just rising into view — with a stein on the table and the sex question in the air. Within a few years its "youth movement" had flowered into a dominant progressivism. Even the sordid politician, the dull pedant, the business profiteer, the witless lawyer and the graceless theologian were paying lip service to progress. This idealism carried the nation up long roads of scientific, industrial and political achievement into and through the terrific sustained effort of the World War — and collapsed under the burdens of reconstruction.

"Where are we going?"

It is a new generation that must answer the question. The tired eyes, shrunken muscles and hardened arteries which characterize so much of the surviving "progressive leadership" are incapable. And this is well; because we need a

new definition of progress. But if we seek to know where the new generation is going, we may find a clue in looking back over the road that my generation traveled — before its soul was spent and its idealism failed.

This story will be written under stern command. "Tell us what happened," says the boss, who calls himself an editor but is really a fisher of men. "You started out a healthy young materialist like a million others — and millions of you became vigorous idealists and fought the good fight and kept the faith; and great deeds were done for America — and humanity. Where were you going? Why did you stop? Are we going to move on again? If we do move, what will be the direction?"

And so it happens that I have gone back over some thirty years, opening dusty files and reading faded letters, arguing out again old issues with Roosevelt, LaFollette, Bryan, Gompers and others who can no longer answer back. I have discussed these weather-beaten problems in different forms with Clarence Darrow and Jane Addams, with Hoover and Coolidge, with Norris and Wheeler, with scientists like Michelson and Millikan, with

financiers and business men controlling billions of money power, with labor leaders guiding myriads of men, with newspaper men reaching millions of readers.

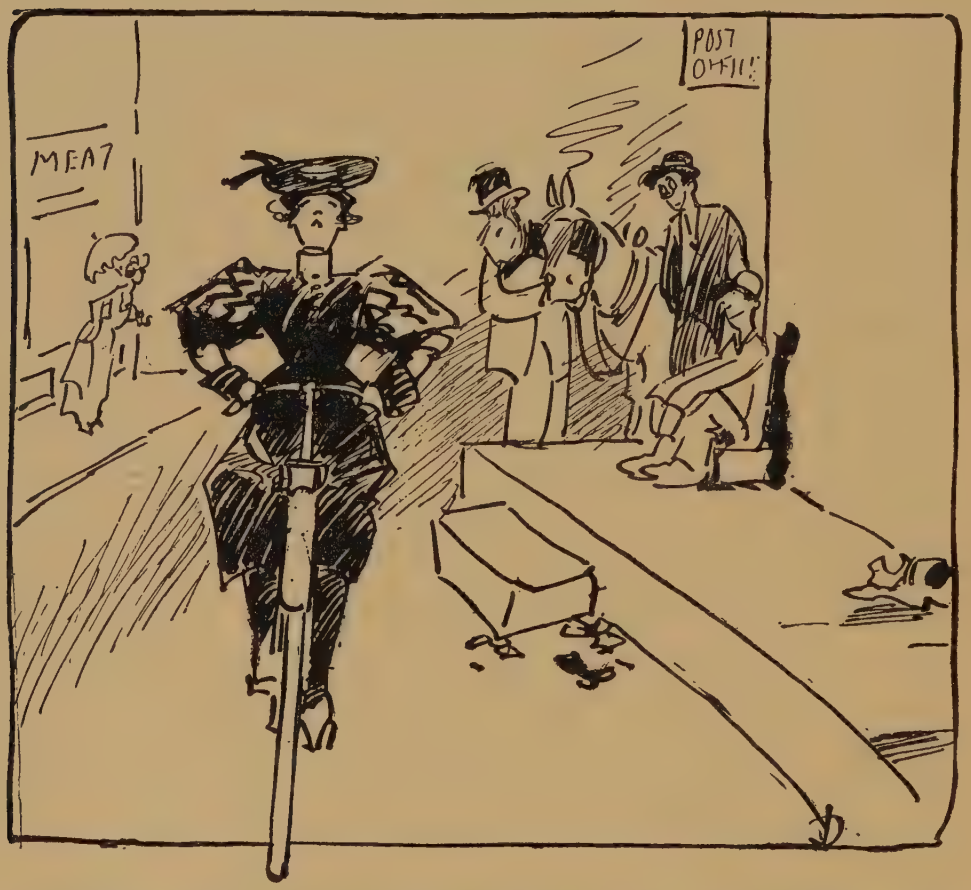
This has not been a sightseeing tour or an excursion of an inquiring reporter. I have been reviewing my own life and labor, that has brought me into close contact with the men and the forces that have shaped the last quarter-century of American life. Where are we going? — has been an ever-present question that had to be answered and that no one could answer. I have written platforms for political parties, keynote speeches for statesmen, laws for Congress and state legislatures to pass, statements for public officials to issue, opinions for courts to deliver, books and articles to promote "good" causes — and always the question arose: What is progress? Always it seemed as though a great wind were blowing. We might steer our course with it, but we could not run against it. So we must consider and debate on every occasion: Which way is the wind blowing? How far to the right or to the left *can* we steer? How far *should* we steer? Where do we want to go? And finally, regardless of our wishes, where are we going?

"Don't try to answer the questions," says the boss. "Just write what you have seen happen and let us draw our own conclusions. The narrative of a minor actor in great events may give a better understanding than the somewhat biased writings of the stars. Also, you should write the story now while your eyes are young enough to see things as you lived them, before you begin to view them through the distorting lenses of old age."

Thus begins an experiment in democracy. We bury the Unknown Soldier as a tribute to those who served and died unhonored and unsung. Following the same idea, let an unknown soldier embalm himself amid the autobiographies of the generals as a reminder that the history of democracy should be read, not in the lengthened shadows of the lives of the great, but in the shorter shadows cast by average men. To this end I will run through "the battles, sieges, fortunes that I have passed . . . even from my boyish days to the very moment that he bade me tell it."

Looking back upon Chicago of the World's Fair era (1893) it appears that the hard-bitten materialists who created the post-Civil War prosperity were as puzzled over their children as we are now perplexed by ours. Quite shocking and

pleasing were the short skirts which the high-school girls wore when riding bicycles in 1896. The "wild boys" drank and smoked and made love —



Quite shocking and pleasing were the short skirts which the high-school girls wore when riding bicycles in 1896

"necking" is only a change in language. Less daring youths of both sexes asserted a scandalous independence of parents (and a more scandalous dependence upon them). "I didn't ask to be

born." "The world owes me a living." "We only live once; let's have a good time now." This was the burden of many an exchange between adolescents.

What inspiration toward better thinking were we receiving from our parents who bowed down in daily worship of Things? "Praise John from whom oil blessings flow" was being sung with irreverent candor by the students of the new University of Chicago. The educators and the clergy were begging doles from commercial brigands (then as now) while clear-eyed youth sneered and poked fun (then as now). Mr. Yerkes, after a successful career of piracy and corruption, was pleased to give the new university the largest telescope in the world. *Per aspera ad astra.*

The stench of the stockyards flooded the choicest residence neighborhoods, competing ineffectively with the stench of local politics. The red-light district was growing right along with the city, snuggling close to the respectability which fostered it. Hold-up men roamed the streets at night and perennial crime waves provided a steady flow of stories to spice the regular news of politics, disaster, money-making and social scandal. Staid old people constantly ex-

pressed wonder as to "what things are coming to" (then as now).

Yet I remember little groups of "flaming youth" that sat until three o'clock in the morning arguing over questions of abstract right and wrong, debating about creation and evolution and God and eternity. My thoughts turn back to a prize sonnet on Infinity which I wrote at this time — "onward we move into the gray." Let me hasten to add that among those who fought with me over its philosophy were the shortstop on the baseball nine and the captain of the tennis team; and that the author won his college letter on the track. We were not exactly mollycoddles and no professor ever called us "grinds." We were healthy young materialists, just beginning to question the value of the ideas that had come with mother's milk and father's money. The healthy young materialists of today show signs of the same questioning.

Rumblings of a "revolt of youth" were audible when I graduated from the University of Chicago in 1901 and a miniature advance storm appeared in that fraternity convention of 1902 with which I began.

"What is it all about?" asked my roommate.

"Oh, it's just a new gang that wants to put out an old gang and run the show," was my response, reflecting the surface cynicism of the very young collegian (then as now).

"That answers nothing," was his retort. "Every generation is a new gang ordained to throw out the old gang. The fellows that toady to the old crowd are shirking their job. It's our job to bring in new ideas, to clean house, to tear down old buildings and to put up better ones. If this Baker crowd is right, I'm going to join them."

We decided that the Baker crowd was "right" then — and, by the same token, it is pretty sure to be "wrong" now. Its spirit of insurgency had a lasting quality but the oncoming generation must have something better to offer than the progressivism of either Roosevelt or Wilson.

The plunge from college into business drives the "idealistic nonsense" out of many a young head. A new desire to be practical and successful (intensified often, as in my case, by family obligations) takes possession of the mind. Within a few days of graduation from Harvard Law School in 1904, I passed the Illinois bar examinations

and began practicing with my father. What an interesting new world it was! Full of hard-headed, soft-hearted men viciously fighting for money and power and spending their gains for the most part with sentimental generosity. At first I thought my father an exception, slugging his way to a victory and then scattering the profits immediately among his none-too-grateful dependents. Gradually I learned that this was the accepted code.

Political issues and moralities soon interested me. Our office represented the city treasurer and the board of assessors for many years. We were constantly engaged in efforts either to milk the public or to protect it, the latter performance apparently justifying the first. The city treasurer at that time paid his office expense and made what he could out of the use of public money. The principal bankers signed the treasurer's bond. It was our job as lawyers to protect the bankers from any liability through misuse of funds. In this capacity, we were watchdogs of the treasury. But the bankers also made an agreement whereby they paid interest to the treasurer on public money deposited. Thus it was also our job to see that

the treasurer collected as much money as possible. The office was worth $200,000 to a well-advised treasurer!

Later the law was changed so that the interest was paid to the city. But the treasurer could favor banks with large inactive deposits or disfavor them with active accounts. So private agreements assured the treasurer of a fair reward for valuable favors. But "gentlemen's agreements" are dangerous. One year certain gentlemen bankers refused to pay their share of the "interest split." Curiously enough the one banker who demanded most profanely and sincerely that the agreement should be kept was John R. Walsh, who was later sent to jail for violating the banking laws directly, in the same way that other banks were violating them indirectly. Candor and simplicity in law violation is not good business practice, I discovered soon in the law office.

Another city treasurer was sued for a large amount of money which he had legally retained. For a long period he faced not only bankruptcy, but loss of a well-founded public respect and the ruin of his political future. When we won the case we were exceptionally pleased. Long afterward the clerk of the Supreme Court, a personal

friend of our client, related with much pride how he had taken the judge who was writing the opinion for a buggy ride, how he had explained what a splendid character our client was, and that he would be ruined by an adverse decision, how he had argued the law and the facts with tears in his eyes and voice, until he felt sure that he had brought the judge around to his point of view — and won our case for us. Thus I learned that a lawyer does not always know why he wins or loses a case.

During many years' service as attorney for the board of assessors, I obtained an intimate knowledge of how political parties are financed. The power to tax is well described as the power to destroy; and the taxation laws bestow this power most effectively. A strict enforcement of the revenue laws of Illinois (and many other states) would have outrageous consequences. Estates, trust funds, small householders and business enterprises would be literally plundered. Since nobody really wants the taxation laws enforced, they are disregarded by common consent. The tax officials are expected to do "what is right"; that is, to assess enough taxes to meet public needs and to spread the burden around the community so

that it will not fall too heavily on any one. But since this is government by favor instead of by law, naturally some persons can be exceptionally favored. Logically, those who make campaign contributions will be recognized as specially deserving, together with thoughtful friends who provide profitable business for the assessors. A lawyer who was a tax official built up a stupendous clientele while in office, and acquired a fortune. He has made large contributions to higher education and has become a national leader in his church and political party. Another tax official, being a business man who somehow never could make business pay, became the head of a great corporation and the chief collector of national and local campaign funds.

Tax exemption by favor is one thing, but exemption by law yields no profit. So a suit was brought to tax the two principal newspapers, the largest bank and other wealthy concerns occupying exempt public property under ninety-nine-year leases. We claimed these private leaseholds were taxable, and the leases required the lessees to pay all taxes. The case involved more than a million dollars a year in taxes and, against the acknowledged leader of the bar, we won a

unanimous decision in the state Supreme Court. Shortly thereafter a lawyer of notable political influence, chief adviser for the largest utilities, filed a petition for rehearing, privately informing us that he thought the case had been "grossly mismanaged." He must have managed it better, because four judges out of seven changed their opinions on rehearing and upheld the exemption.

The law practice of my early years was not all political. We represented coal companies, insurance companies, newspapers, department stores, estates, and individuals both rich and poor. The human contacts were always more interesting to me than the cases. I can remember a late evening discussion with Stuyvesant Fish, then in a death grapple with E. H. Harriman. The question involved was whether to spend five thousand dollars more for legal aid in support of his lawsuit for control of the Illinois Central. "I have a very expensive wife," sighed Mr. Fish. The money was not spent and Harriman won.

There comes to mind the pathetic picture of the banker Walsh sitting in his library facing prison at the end of a long life of ruthless war against all who blocked his path. "What is there

for me today? Three meals and a place to sleep. I've been working for my boys. It's them I'm thinking about." His long, trembling fingers wove in and out incessantly. I thought of them years later when I wrote a verse: "Empty hands that had grasped all in vain."

Then there was John Alexander Dowie, founder of Zion City. I saw him in his pride and glory, building his church in Chicago; saw him descend upon New York to bring salvation to the "wanton city"; listened to him rave at the newspapers, trampling on them as he stormed up and down his truly "palatial" suite in the Hotel Plaza; watched him create his Zion City, where there should be no tobacco, no alcohol, no pork, no oysters — and most important of all, where the will of Dowie should be law, although he called it "the will of God." Dowie built a prosperous city on the lake shore half way between Milwaukee and Chicago or, as he put it, "half way between Beer and Babel." Then disease came to him — the apostle of divine healing — and he died, and I helped his widow and son save a very small fortune out of the ruin of a great dream of riches and power — and religion.

Somehow Dowie is linked in my mind with a

much greater man, President Harper of the University of Chicago. They were the two most powerful personalities with whom I associated in my youth — utterly different and yet remarkably alike. After I had helped to clear up the wreckage of Dowie's failure, I spoke for the alumni at the dedication of the library reared as a memorial to Harper's success. The relentless energy with which he built his "city gray that ne'er shall die" scared careful trustees and shocked pious bookkeepers. But his achievements were bigger than his deficits; and, while the cancer specialists watched with awe, and private secretaries worked all night with reddened eyes, he drove on and on to win his game before the early, cruel call of time. Very near and very far apart ran the ways of the fanatic faith-healer of Zion City and the enthusiastic truth-seeker on the Midway.

The early years of law practice are blurred as I look back; far less distinct than previous years at school. They were meaningless years of groping; and the fog of an uncertain purpose hangs over them still. Days of poring over books and dictating interminable arguments. Days of nervous tension and strain, arguing motions and trying cases in stuffy court-rooms. Days of wrangling

and worrying over a thousand petty questions of no real importance.

These days were followed by nights of smoking and drinking and dancing and eating and singing and wasting time in all sorts of pleasant ways. Frequently there were tennis games in the summer afternoons. Sometimes, in the nude democracy of the shower-bath, Professor Millikan would try to explain the electron to a young lawyer whose interest was greater than his comprehension. Or Professor Michelson would take me down into the basement of his nearby laboratory and talk in simple terms about a machine that ran night and day scratching lines on a metal plate — by which light could be analyzed and secrets of infinite space be revealed. And mostly I marveled at the everlasting patience and courage of these men who won Nobel prizes — not by flashes of genius, but by relentless, unceasing work, illuminated by godlike imagination and sustained by childlike faith.

There were private theatricals at the clubs in the winter. I wrote short sketches and long plays, and songs and verses — all of little consequence; but it was amusing. Once I wrote a full comic opera, which was first presented by my college

fraternity. Later it was revised and produced nobly by the University Club — the authorship being concealed, because the author happened to be the progressive candidate for state's attorney just at that time. But in 1912, it was not suspected that a song-writer could be wafted into office on his own melodies. We were trying to convince the voters that an earnest young man, aged thirty-one, would make a better prosecutor of crooked politicians than a seasoned veteran of politics. The voters were not convinced.

Just what had transformed a pleasure-seeking, fairly prosperous lawyer, with a conservative clientele, into a reform candidate, is hard to describe briefly. Perhaps it may be called mental indigestion. It had become quite clear to me in the first years of practice that I didn't want to serve the people who would pay me best for serving them. The legal sophistries which are available to justify any sort of conduct, so that a client can be supported in anything he does, would sicken any intelligent person who had not been rendered immune through a long course of mental poisoning.

My early resentments at a low professional standard were expressed in an article that ap-

peared in The Atlantic Monthly in 1909, entitled The Lawyer's Function. The law as a philosophical study is very interesting. The law as a system of workable rules of human conduct is a project worthy of the highest endeavor. But that modern practice of the law, which calls principally for mental ingenuity to help a client do anything he wants to do, seemed to me intellectually one of the most degrading occupations in the category of respectable employments. It seemed that the super-lawyer should have the brains of a Machiavelli, the hide of a walrus, and no moral convictions whatsoever! Yet from a wide acquaintance with those who have made money and achieved some reputation at the bar, and from my own experience, I know that it is possible to succeed to a reasonable extent without approaching or even respecting the qualities which would seem to stamp one's services with the highest market value.

As an early symptom of revolt, I published articles in 1906 and 1907 showing that if any one wanted to stop corporate law-breaking, it could be done by imprisoning a corporation — that is, by putting it into receivership under government control, just as an individual is punished by a

similar imprisonment. At the suggestion of President Roosevelt, I discussed this procedure with Attorney General Moody. The proposal was widely considered; it was pronounced a genuine "cure-all" for corporate evils by the government's chief expert on trust prosecutions. Years later I drafted a bill embodying this remedy, which was introduced into Congress by Victor Murdock, the progressive party leader, with the approval of Roosevelt. But, of course, the idea is clearly "impractical," because the careful observer will note that one of the principal uses of a corporation is to provide a means whereby men can escape civil and criminal liability for wrong-doing. Therefore, when the law is written in order to create irresponsibility, why change it to create responsibility?

Observing, along the same line, in my law practice, how some little fellow was always made a scapegoat whenever big fellows were caught in crookedness, I thought people would be interested in knowing how this was done. So I began to write a book on the subject, in my evenings, translating a lot of facts into the form of fiction. I think this book must have started me on a "reform" career. To begin with, I had to give

up my games and parties and lots of good times in order to write. This helps one develop a martyr complex, which every reformer should have in some degree. Writing down an incoherent revolt tends to strengthen it and to make it real — if it is soundly based. So I discovered and asserted, in my preachment against the stupidity and evil of mere money-making, that the thief ideal had taken possession of us — or as I expressed it in my novel, The Shadow Men, "Every law of God or man says that he who takes more than he gives is a thief."

To reveal the facts and to apply a moral corrective was the reforming philosophy of the time. When my book was published in 1911, I found myself in tune with the progressive movement, of which I had hardly been conscious before. Professor Charles E. Merriam was nominated for mayor of Chicago in the spring of the year, beating the old-time republican candidate two to one. The youth of Chicago rose with a roar. The progressive shouting, that was silenced in the World War, had begun. The republican machine made terms with the democratic machine. Merriam was beaten by Harrison in the election. Betrayed youth roared again and announced a

progressive campaign for all offices in 1912; in which I was drafted to make a hopeless run in the republican primary as the progressive candidate for state's attorney. I was glad to make the fight; but I was really "drafted"; first, because I had never thought of running for office until the committee came to me; and second, because I had to break with all my old political friends and advisers to make the race.

My father had had his day of flame and settled down to conservative practical politics. He was sixty-seven years old in 1912. It was more than thirty years since he had been president of the board of education, fighting for equal rights for women teachers and no religious instruction in the public schools. He sighed at my decision, perhaps remembered his youth, and said: "You'll do as you want, but it is a foolish thing." My uncle, and another republican leader of the old guard, said, "Why don't you wait a while? Just be patient and you can have almost anything you want from the organization."

But I was in revolt, with my generation. Didn't want what the old gang had to give. Wanted something different. Didn't know just what or why. But something different. That's

the natural cry of youth: "Give us something new." So we have change, and youth calls it progress, because the young body is growing better and more useful and the young mind plans a better life. When the body grows older and less useful, the mind becomes more concerned with the hope that tomorrow may be no worse than today. So it is well for the young to challenge the leadership of their elders. And that is why the young men founded the progressive party in 1912 and my generation turned a page in the big book and began to write a new chapter.

II

WE THOUGHT IT WAS ARMAGEDDON

THE STREETS WERE PACKED WITH PEOPLE SHOUTING,
"WE WANT TEDDY!"

II

WE THOUGHT IT WAS ARMAGEDDON

The streets were packed with people shouting: "We want Teddy." It was June, 1912. He stood up in his automobile at the door of the hotel and spoke briefly. I remember only the words, "Thou shalt not steal," and the eastern accent that so surprised me. This "rough-rider" spoke like the men I had heard in Harvard Yard, many years before. The first glimpse of Roosevelt confirmed the impression I had when I described him in my book of the previous year as "the Apostle of the Obvious." Filling the same rôle on the next Monday evening, he spoke in the Auditorium and finished with, "We stand at Armageddon and we battle for the Lord."

"It's too bad he can't leave the Bible and the Lord out of this row," I complained to a sympathetic newspaper man. But a few weeks later we shook the steel beams of the Coliseum with Onward Christian Soldiers and a politics-hardened reporter telegraphed his New York editor:

"I can't make fun of this convention. This is a religion."

The progressive movement of 1912 was religious; a revolt of youth against age, of idealism against materialism. My generation was spoiling for a fight with the ancient enemies of progress — the self-satisfied. It was sick and tired of pot-bellied politicians; tired of bankers and business men preaching a one-day-in-seven version of the Golden Rule. It wanted to get religion, but not in churches patronized by thieves. So when T. R. located Armageddon and the band played marching hymns, we put on shining armor and went out to battle for the Lord. It is altogether possible that the oncoming generation may do the same.

The progressive party did not spring full armed from the brain of Roosevelt. LaFollette had been battling for twenty years before he was elected governor of Wisconsin in 1900; and it was his campaign for the republican nomination in 1911 and 1912 that demonstrated the political power of the rising demand for "social justice." Bryan's leadership in the democratic party since 1896 had been based on the same appeal. Wilson was nominated in 1912 as the logical successor

to this leadership. Prosperity was not enough. "If on this new continent we merely build another country of great but unjustly divided material prosperity, we shall have done nothing," said Roosevelt at Carnegie Hall in March, 1912.

Yet Wilson had expressed the pious hope that something could be done to "knock Bryan into a cocked hat"; and I have a personal letter from Roosevelt written in 1917, describing Senator LaFollette as "one of the very few men who is distinctly worse than President Wilson." It appears that the outstanding leaders in the progressive movement disagreed rather vigorously regarding at least the methods of reaching the goal — if not the goal itself.

Now it happens that I worked intimately, for years, with Roosevelt and LaFollette, that I had a long acquaintance and many associations with Bryan, and various close contacts with President Wilson's administration, as will appear hereafter. Upon this unprejudiced basis for appraising the public services of all these men, I know they were all truly "progressive" — in that their common goal was to lift up the level of the average well-being. Unfortunately they were so different in temperament, in personal habits and interests,

which inevitably shape conduct, that not one could effectively cooperate with, or appreciate, the other. Yet, in his autobiography, LaFollette wrote: "Roosevelt is the keenest and ablest living interpreter of what I would call the superficial sentiment of a given time and he is spontaneous in his response to it." In cruder, but quite forceful language, Medill McCormick, in a conference over platform-writing, once said: "Fellows, we must remember that T. R. is great because he understands the psychology of the mutt."

With these witnesses, fortified by my own experience, I have concluded that "Roosevelt progressivism" expressed more accurately the mass sentiment of my generation than the vague generalizations of the evangelic Bryan, the close reasoning of the uncompromising LaFollette, or the erudite radicalism of Wilson. This "Roosevelt progressivism" did not question the existing order. It proposed changes in law, largely for the purpose of compelling or inducing men to be "good" instead of "bad." Public officials who behaved badly would be rejected, or their evil deeds would be annulled by popular vote. Employers would be directed to treat their employes

well. Big business would be encouraged, if "good," and punished if "bad." The wicked strong people would be controlled and the good weak people would be protected.

This political program for bringing about "social justice" had several implications: 1. That there was a clear line between what was right and wrong. 2. That the People would vote right, if they had the chance. 3. That if public officials were responsive to public opinion, they would know what was right and would do it. Since the terrible lessons of the World War, it has become somewhat evident: 1. That what is right or wrong is frequently a question for scientific, rather than popular opinion. 2. That the People can't vote right unless they have the capacity for right judgment. 3. That public officials, responsive to public opinion, may follow either propaganda or prejudice and know neither what is right, nor how to do it.

But the "Roosevelt progressivism" was based on what the Colonel well called a "confession of faith." It had a creed. You accepted it and joined the church. And so the progressive national convention was a great revival meeting. Prosperity was the natural ideal — not for the few,

as Roosevelt pointed out, but for the many. Government should lift the poverty-stricken to the happy level of the well-to-do. In this glorious hour of political intoxication, the prophet Beveridge cried: "Pass Prosperity Around"; and at once a banner, already painted with the new-born slogan, fell from the ceiling. If not a miracle, this was at least a miraculous conception. We wept and we cheered and we sang, "His truth is marching on."

Medill McCormick wrinkled more deeply his youthful, furrowed brow and said: "Think of me and Jane Addams on the same platform!" But there also stood George W. Perkins and Judge Ben B. Lindsey and Bill Flinn of Pittsburgh and Raymond Robins of Chicago. There was room on that platform for any one who had seen Peter Pan and believed in fairies.

From August to November, in the year 1912, is one of my nightmare memories. I was trying to attend to private business and to devote ten hours a day to handling litigation for the progressive party. We had to fight the old party election machinery every step of the way and, as an enthusiastic volunteer, I was made responsible for the legal battles in Illinois. Years later I was

informed that a group of candidates contributed $1,200 for my services in one contest. But the party chairman, learning by careful inquiry that I did not expect pay, turned the money into the general fund. He was much amused when I eventually learned about my "contribution" and asked him why I had not been consulted! I have often wondered how many fees have been collected for my legal services in political campaigns. I have never received any. But I have received a good many letters like the following from the then head of the progressive party organization in Illinois:

My dear Don:

I know that you have received no due recognition for your services. I wish you were a candidate for some office within the party, within the city or within the state, that I might in the most public fashion possible, demand your recognition for your most unselfish devotion to the cause.

The reason I transcribe this letter is because there came a time when President Wilson informed my friends that he would be "very glad to appoint Mr. Richberg to the Federal Trade

Commission" if Senator ——— (the writer of the letter) would approve. He declined to approve, and so I was kept free from the restraints of this public office; for which I have been duly grateful . . . although I did not appreciate the kindness at the time.

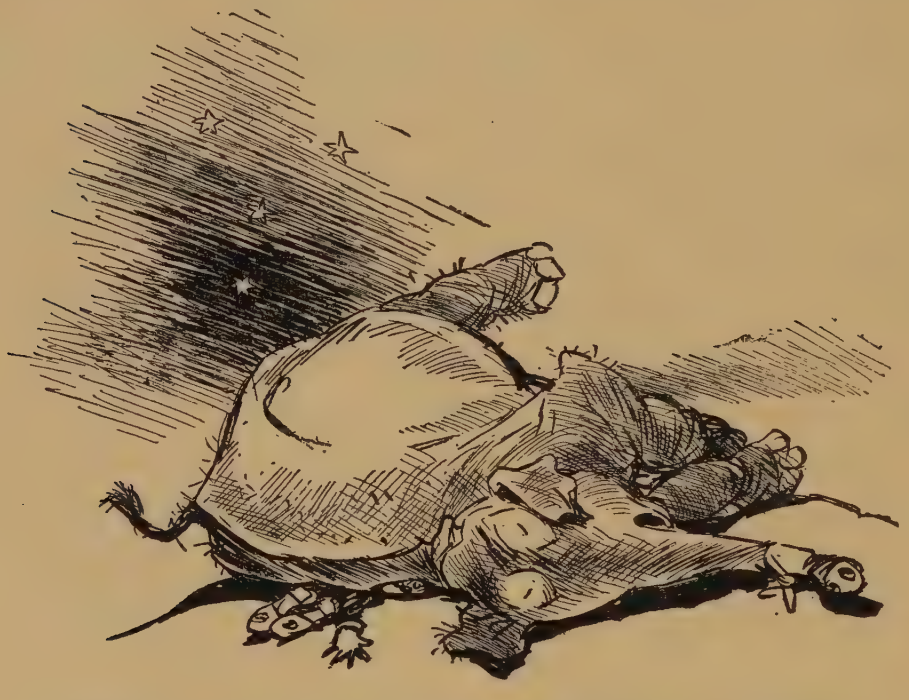
The results of the 1912 campaign were most encouraging to the progressive leadership (which had little expectation of electing Roosevelt) and even to the optimistic rank and file, when the defeat of the old guard republicans was fairly appraised. Over a thousand workers gathered rejoicing in a "victory" dinner in Chicago, November 14, and their sentiments were reflected in the following extracts from some verses that I read on that occasion:

"I am not dead," the elephant rolled up one bloodshot eye;
"I may lie prostrate on the ground but yet how well I lie!
"My eyes are blurred; I cannot hear men shouting in my ears;
"But what of that! I have been blind and deaf for many years.

"When I have eased my broken bones I shall
stand up again;
"And legs that now are scrambled will be legs
unscrambled then."
The Elephant half rose and cried again: "I am
not dead!
"I shall arise and then progress — as soon as I
am fed."
"We do not wish you to progress"; thus coldly
spoke E. Root;
"Stay here and listen to the steam calliope toot!
toot!"
He rang a bell and whispered to Jim Watson:
"Do your worst."
The steamer tooted: "Darling I am growing
old" — and burst!
Loud shrieked the tortured Elephant: "Bring on
the funeral wreath!
"My tusks have been extracted and made into
Teddy teeth.
"Oh, where, where are the doctor men who tied
me up last June.
"When I had fits and tried to dance to that Pro-
gressive tune?
"Before the cyclone hit us they were with me
standing pat."

"We're with you now," a thin voice gasped — "beneath you lying flat."

Convinced that a "new day had dawned" in politics, a state and national Progressive Service



"We're with you now," a thin voice gasped — "beneath you lying flat!"

was organized with the novel idea that party platforms might be written, new laws advanced, and voters educated by an organization separate from the office-seeking political machine. The party organization was generally skeptical, if not hostile; but the Service promoters would not be

denied and as they included not only intellectual but also financial supporters (who should not be alienated) the Service was allowed to organize and was then quietly and effectively sabotaged by its opponents.

When the Illinois Progressive Service Board was organized, I was made chairman and it is interesting to recall that (in addition to a group of distinguished men) its membership included Miss Jane Addams, Mrs. Joseph T. Bowen, Miss Mary McDowell, Mrs. Medill McCormick (subsequently republican national committeeman) and Mrs. Kellogg Fairbank (subsequently democratic national committeeman). Here, as elsewhere, the uniting of a later divergent leadership showed the dominant influence of "Roosevelt progressivism." In studying its rise and fall closely, we may draw the curve of our "progress" so as to project it across the chart of today into the dream sketches of tomorrow.

Soon after the Illinois Service was organized, I was asked to become director of the National Legislative Reference Bureau. This required me practically to abandon my Chicago practice and to live in New York City. The enthusiasm with

which I sliced off my income and undertook existence on a small salary in New York is not easy to revive fifteen years later. But the idea that here, at least, was something "worth while doing" is plainly written in the dusty letters of that period.

For many months we worked in the New York headquarters with a joyous zeal. Bills were drafted to fulfill the pledges of the progressive platform. Briefs, reports, speeches and letters were written to aid party leaders to push our "program" in state legislatures and in Congress. No day was long enough to answer all the correspondence and to keep up with the demands for "service." Colonel Roosevelt wrote an article in the Saturday Evening Post, which referred rather generously to what my bureau was trying to do; and for days thereafter we could not even sort the letters that flowed into my small office. Usually work ceased at midnight only because the elevators stopped running. It was amazing how difficulties faded away in the atmosphere of enthusiasm for public work. One example will suffice.

No subject was apparently weighted with greater difficulties than trust regulation. I was warned that George W. Perkins would oppose

anything effective, as he was not only chairman of the progressive executive committee, but also chairman of the finance committee of the U. S. Steel Corporation. Of course, Roosevelt, with his ideas of "good" and "bad" trusts, would support Perkins! The chairman of our legislative reference committee was Dean Lewis of the University of Pennsylvania Law School. On the committee were Herbert Knox Smith, former commissioner of corporations, James R. Garfield, former secretary of the interior, Dean Kirchwey of Columbia, Judge Ben B. Lindsey, Professor Merriam of Chicago, Gifford Pinchot, Francis J. Heney, Jane Addams and Walter E. Weyl. What a hopeless job it would be to reconcile the views of these vigorous-minded individuals of widely differing personal bias! But these imagined obstacles melted away.

At the outset it was readily agreed that Perkins would not be consulted. For his sake and ours he should have no responsibility. (Yet when all our federal bills were published, although Perkins did not particularly approve of the anti-trust bills, he said that the work of the bureau on this one job was worth its whole cost.) Inside three months practically the entire congressional pro-

gram of bills had been drafted and approved by the committee. The anticipated difficulties involved in dealing with Roosevelt melted away as shown by two incidents.

On one occasion a congressman wanted a special letter from T. R. endorsing workmen's compensation. The Colonel told me to give him a short memo of what I thought he should say; which I did. A day or two later, he phoned me to see him and then handed me a letter which was almost word for word what I had written.

"Is that all right?" he asked, peering at me through his glasses. Then he added with a grin, "If it isn't you write it over."

"No," I answered, laughing, "it suits me the way it was originally written!"

When the three anti-trust bills were finished, I met the Colonel at Newport (where he had made a speech) and returned to New York with him on the night boat. We sat on the upper deck after dinner and I explained the bills, section by section. When I had finished, after very few interruptions, he said: "Now let me see if I understand this." Then he proceeded step by step to summarize the legislation, a remarkable demonstration of his ability to absorb information

rapidly. We then discussed a few points in detail, particularly the more unusual and "radical" provisions.

"That's fine," he said in conclusion, "I approve absolutely. I will endorse them and support them in any way I can. You tell Murdock [who was to introduce them] he can count on me."

There was a brief silence. Then the Colonel said:

"You know it is the way of American politics that some one person must always be standing in the limelight, shouting, 'I stand for this,' and 'I stand for that.' I used to think about it often when I was in the White House, announcing my position or my policy on this and that subject; and all the time back there in the shadows were those splendid fellows, Pinchot and Newell and Smith, doing all the drudging work. It doesn't seem quite fair. But that's the way it has to be."

And years later Gifford Pinchot commented: "Yes, that's what T. R. would say. But he did a lot of the work himself; and his policies were really his policies." To which I might add that, while it was as easy to make suggestions to the Colonel as to any man with whom I ever worked,

he accepted an idea only when it had become his idea. He did his own thinking. But he was most generous in acknowledging help. I remember that once when I met him at the train, before he stepped off the platform he called out: "Did you see my editorial? I took an idea from you."

Still more gracious was his letter when I restated the much abused and misrepresented doctrine of "recall of decisions" — and he wrote: "That's a capital article of yours! I am inclined to think that the expression you used is better than either of those I invented in the groping effort to formulate in a precise and short phrase just what I was after."

It was largely Roosevelt's dominance in the party that made the Progressive Service possible and enjoyable. He welcomed efforts to help, even though often clumsy and ill-conceived, and thus he encouraged every one who wanted to serve. Despite the sharpness of his criticisms of opponents and foolish friends, he was extraordinarily tolerant of human weakness. This Newport trip came at the close of a dreadful day of political mismanagement and when I spoke of the chief culprit he said:

"Oh, Mr. —— is just a jackass. But it was our

mistake in trusting him. Now it's a beautiful moonlit night on the water. The night will atone for the day."

On another occasion, when Albert J. Beveridge had been as temperamental as a grand opera star, I heard some one say:

"Oh, Beveridge is just a baby."

"Ah, yes! But a very brilliant baby," replied T. R.

The progressive movement contained many brilliant babies and myriads of political innocents. It required a good deal of money to support and educate them. Hard-headed business men who wanted to be "progressive" found it necessary also to finance the republican and democratic organizations, which still spoke (and collected) for assessors, prosecuting attorneys, governors, mayors and legislators (not to mention, of course, the courts) in whose activities hard-headed business men had a continuing and very practical interest. Four hundred and fifteen republican and democratic congressmen were, of course, of more practical use than twenty progressives. Furthermore, the party of Woodrow Wilson appeared to be more afraid, or jealous, of the party of Roosevelt than of the G. O. P.; so that instead

of helping build up the progressives with "minority" recognition, the democrats generally encouraged a "come-back" of the republicans.

By the spring of 1914, the progressives were in financial difficulties everywhere. A fight must be made in the fall elections to win more offices. Funds were scarce. Organization leaders who had frowned on the Progressive Service now denounced it. This "idealistic" stuff could be carried too far! It was time to be practical. Even Raymond Robins (disavowing membership in the so-called "lunatic fringe") wrote me that what we needed was "organization from the precincts up" — and that the Service was "over-organized." Under nation-wide pressure, Perkins and others began the reorganization to "cut out the frills." Unfortunately, most of the enthusiastic volunteer workers were engaged in "frills." They were not trained or adapted to precinct labors. They were interested in "new methods" in politics. The "old methods" seemed a part of the old results. After a brief struggle against the "practical" men, the "impractical" ones faded out of the party picture. The Service work came to an end.

During this transformation of the party from

a religious movement to a political mechanism, my own ideas underwent considerable change. I agreed with Robins' statement that "we are either in the current of an epoch-making [political] movement in answer to the economic and social movements of the past twenty years, or we are wasting our time"; but I did not believe that the formation of a purely vote-getting organization was the way to avoid wasting our time. Political education and a new political religion seemed to me necessary before a new political organization could accomplish anything. We had started too fast in 1912 and slower progress was inevitable. But the logic of events was against me. The treasuries were empty and the political bankers would not support any program that was not "business-like." There is a wide gulf between a religious movement and an established church. It was made plain that any further contributions should be spent on the business of politics — which is getting offices. When you get offices you can pay your debts and declare dividends. You are a going concern. If you don't hold offices, you are living on charity and hopes.

In a speech to New Jersey progressives, I explained the reluctance of practical politicians to

join a "purity crusade," in a paraphrase of Hamlet's soliloquy:

> Thus pocket-book makes cowards of us all
> And thus the native hue of revolution
> Is sicklied o'er with the pale fear of jobs
> And enterprises of state-craft and wisdom
> By "black horse cavalry" are turned awry
> And earn the name: Reaction.

In the final struggle, my understanding of both points of view led Mr. Perkins into the curious design of saving the Legislative Reference Bureau out of the wreck as a sop to the "intellectuals," but transformed under my direction into a purely organization agency. He could not understand my opposition.

"If that is your attitude, you are not fit to be the head of this work," he stormed at me.

"That was what I wanted you to understand," was my answer. And I wrote to one of my committee: "Perkins approves of me, except when he gets mad. When an office boy or valet is needed, I am happily *persona non grata.*"

The Service was chloroformed and buried privately so that the newspapers might not find in

its death too many signs of the impending demise of the party. Bitter letters and reports that were frequently prepared for "press release" were never published, but have been preserved; and some day an interested historian will be able to explain just how and why the progressive movement under Roosevelt died "a-borning." It may be sufficient now merely to write (with the shade of Beveridge dissenting) that the party did not come "from the grass roots." (Nor did the LaFollette party of 1924.) Leadership did not spring "from the loins of the people" — as the Tammany Hall speakers frequently, but inaccurately, describe *their* leadership.

The song was ended, but "the melody lingered on," as I returned to Chicago in the spring of 1914. There was some satisfaction in the parting testimonial received from my committee and in Victor Murdock's written "appreciation of the great service you have been to the cause, the Progressives here, and to myself in putting our constructive program on its feet. You were indispensable." That was pleasant to read, although the questions would arise: "Indispensable to what? What had we really done?" Despite

a note signed "T. Roosevelt" stating that he had not heard any criticism of me and would not "pay any heed to any criticism I may hear" — there was a criticism in my own mind to which heed must be given. The first flaring enthusiasm of youth for public service had been checked. Probably it would never burn quite so freely again. It seemed a little silly. Thousands of other young men and women must have gone through the same questionings from November, 1912, to August, 1914, when the World War began its wholesale destruction of faith, plundering my generation of its spiritual heritage.

But there were other progressive battles ahead, before the "crusaders" were dispersed and the hymn-books and rituals were returned to the churches, without suitable apologies. The unchastened republicans of Illinois offered as their candidate for United States senator "Larry" Sherman, who had once been carried into the State House on a stretcher to vote for the most scandalous law that crooked utilities ever bought and paid for in Illinois. As his opponent, Roger Sullivan, the democratic boss, had named himself, the almost perfect product of politics for private profit. The progressive nominee was Raymond

Robins. The choice was clear between two men of proved unfitness for public office — unashamed servants of private greed — and a "reformer" whose moral worth and desire to render public service were unchallenged. It seemed to me then incredible that either man could be elected whose sordid record was printed in the carefully documented "S.–S." pamphlet which was sent into nearly every home in the state.

The republicans compared Sherman to Lincoln, because he looked like a very poor copy of the original. The democrats sobbed that the bereaved Wilson (who had just lost his wife) was waiting for Roger to come to Washington and solace him . . . which "watchful waiting" the President declined to confirm. The progressives dared the "bi-partisan alliance of greed and graft" to meet them at Armageddon, but the battle was fought elsewhere. The voters chose Sherman. Sullivan ran second and Robins third. A few days later Robins wrote me: "I regard your work as the most effective one element in securing the defeat of Mr. Sullivan." But I disagreed then and now. We did not defeat anybody. The republican candidate won in a normally republican state. "Roosevelt progressivism" had spent its force.

In the spring of 1915 came a republican-progressive coalition in Chicago. Bill Thompson was elected mayor as its first achievement, in which I am glad to say I had no part, although his opponent was equally unfit. Then came a coalition on judges in which I received a fusion nomination for the Circuit Court. Fortunately, the Thompson crowd knifed all but one of the progressive nominees. Thus the bench and I were saved from each other. If "Big Bill" could have seen the amount of trouble I was destined to make for him, he would surely have given orders to place me safely on the bench. But the brainless wonders of politics rarely have prophetic vision. It has been my good fortune all my life to be saved from my worst mistakes by my enemies. There should be a profound lesson in this experience, but I do not know just what it is — unless perhaps it is humility. Tolerant friends, angry enemies and lots of luck are great aids in the scramble up.

The judicial defeat of 1915 marks, for me, the end of youth. Although only thirty-four years old, I had been a boy too long. My father, stricken with apoplexy in March, was a helpless

invalid, doomed to three years more of existence lying in bed, requiring the services of a nurse night and day. Our practice had suffered from his previous illness and my absence in New York. The family debts exceeded the assets by a large amount. Since 1915, no less than six and usually eight persons have always been dependent on my earnings.

Quite suddenly I realized that there was a horrible, hard reality in this "struggle for existence" about which I had theorized; that the "economic pressure" was a heartless, savage thing; that if I did not keep my feet in the crowd of human beings milling around me, I would go down under the trampling feet, and those near and dear would go down with me.

There were many days and nights when I knew all too well the fear that besets the man out of a job, the fear of the beaten man, that puts timid despair or sullen hatred in his eyes. I had my days of walking around with hands in empty pockets, trying to look cheerful. I had my nights of struggling with bills payable and receivable, that simply couldn't be balanced. It didn't require long years of this sort of thing to teach me the feelings of the under-dog, or to bring under-

standing of the self-confident exultation of the self-made man who has fought his way up from poverty to plenty. To slip back from comparative comfort to desperate need for a few months was enough. I imagine that a man blind for a year knows the sorrows of the life-long blind — and more besides.

This personal experience is related because the "times that try men's souls" shape their philosophy and either create or destroy their ability to understand other men. When there develops in one a hatred of the bitter uncertainties of life that might be relieved by improved organization and cooperation, the pessimist reverts to savagery and the optimist becomes more civilized. I can remember black hours of thinking: "If this is just a game of wolves, I'm going to be a good wolf. Don't anybody mistake me for a woolly lamb." But when the clouds lifted, I could see that when men compare themselves with animals, only part of the brain is functioning. The dead brain-cells in those who call themselves bulls and bears make this point clear.

Fitted to my mood of self-preservation was the campaign for "preparedness" which Roosevelt

undertook in 1915. I was already convinced that Providence would not take care of any one who failed to take care of himself. For the same reason, I was able to open the door when a political opportunity came knocking that same year in a new and somewhat repulsive form.

The story of the political maneuvering by which a most unfriendly committee of Chicago aldermen selected me as special counsel for the city to fight the gas company, would take too long to tell. Anyhow, that sort of explanation is always omitted, I have observed, from the autobiographies of noble statesmen, so that a similar gap may well be left in this humbler narrative. To be the beneficiary of chicanery and double dealing and questionable motives does not elevate the chest, even though one's own hands are not soiled. "The President has paid dear for his White House," wrote Emerson over eighty years ago. "It has commonly cost him all his peace and the best of his manly attributes." Any veteran politician who stumbled across these words might well remark: "That professor knew his onions." Indeed it was Bathhouse John, the famous Chicago alderman, who shouted in the Council Chamber: "Let Cæsar get what's com-

"Let Cæsar get what's coming to him!" shouted Bathhouse John

ing to him!" He knew that Cæsar would have to pay dearly for what he got.

So at the time when Europe was sliding down the abyss of the World War in its second year and

America was moving nearer to the edge of the same pit, I was thrust into the very center of that civil warfare between visible and invisible government, about which the progressives of 1912 had talked so much and done so little. Through the subsequent delirium of the war and the sickening relapses of reconstruction, my more or less private fight continued and its field extended. Opposition to the invisible rulers of Chicago led naturally into conflicts with their brethren who rode into complete control of the nation when we had made the world "safe for democracy" and selected the Ohio gang to make democracy safe for America.

Few indeed are the progressives of my generation who have survived the bludgeoning of these years. Death and defeat and discouragement have taken most of them out of the public service. But, looking back, it seems as though I might "dimly guess what time in mists confounds"; and, regardless of where the lost leaders have gone, might catch a glimpse of where they were going.

In the vast muddle of human affairs, sometimes in the thick of the fighting, in the heat of the day, in a wakeful hour of the night, will come a luminous moment, perhaps hallucination: but a sudden, very real sense of truth revealed, upon

which one builds a sort of faith. So the story will go on, although Roosevelt must die in the next chapter — and thereafter Wilson and LaFollette and Bryan must follow him down the long trail. Reminiscences have a sad flavor of the "good old days"; and of the apparent futility of all human effort. But as I ride back over yesterday, the Hound of Heaven follows me. The road has no end —

> Yet ever and anon a trumpet sounds
> From the hid battlements of Eternity,
> Those shaken mists a space unsettle, then
> Round the half-glimpséd turrets slowly wash
> again.

III

THE FOUR HORSEMEN CAME

AND WE WENT INTO WAR

III

THE FOUR HORSEMEN CAME

On August 1, 1914, a young German officer limped across my living room, testing a leg that had been broken in the spring.

"I must get my leg strong for the Kaiser," he said with a boyish grin. His uncle had been Chancellor of the Empire. His father, General von Bülow, commanded the Second Army, which was soon to smash through Belgium and drive across France to the Marne.

"When are you leaving?" I asked.

"Just as soon as we get the word from the consul. We saw him again this afternoon."

"What do you think is going to happen? Is all Europe going in? How long can it last?" The questions sounded silly. But then the idea of a general European war seemed incredible.

Von Bülow answered slowly.

"It all depends upon England. If England doesn't go in we are all right. If England goes in, I'm afraid it will be very hard for us. Oh, no one knows; but I can't believe England will go in."

The artillery captain and cavalry officer who were with him nodded solemnly.

However, England did go in; and, long after von Bülow had plunged to death in his crumpled plane, the United States also went in. Here as everywhere the delicate flame of progressivism was swallowed in the red glare of war. But in the first years of Wilson's administration there had been quite a blaze fanned by the victorious democracy. Even in this retrospect of my somewhat partisan adventures a tribute should be paid to the gallant group of democrats who, after sixteen years of peerless leadership to defeat, were still able to mobilize an impressive army of volunteers behind Wilson in 1912. Thereby the party mercenaries were prevented from claiming the inevitable victory as all their own. Following such conspicuous figures as Bryan, Lane, Brandeis, Baker, McAdoo and Daniels, there were hosts of young enthusiasts who would have sung hymns with the progressives in August, 1912, if they had not been able to nominate Wilson at Baltimore in July. Indeed I must personally acknowledge having received as much aid and comfort in progressive struggles of the last twenty years from Wilson democrats as from Roosevelt republicans.

If, from the Roosevelt camp with somewhat jealous eyes, we watched the progressive democracy create a tariff commission, a federal reserve system and a federal trade commission; and write laws to promote the welfare of wage-earners, to protect seamen and to prohibit child labor, at least we were compelled to join in the applause. It was exasperating to be ignored as a third political organization. But the Wilsonian strategy was to develop a two-party government, with a liberal democratic party in power, opposed only by a conservative republican party. And one had to concede the political wisdom that lifted a "minority" victory in 1912 almost to a "majority" triumph in 1916 — increasing the popular vote for Wilson from less than forty-two per cent to more than forty-nine.

Persistently the progressive democrats urged the Roosevelt leaders to join them in advancing this two-party program. Eventually many of our old companions in arms, such as Bainbridge Colby, "went democratic," particularly after the progressive party collapsed in 1916. A few, like Costigan and Murdock, received "minority party" appointments. Thus they were able to render effective public service during and after the war. And

somehow the chill-eyed Wilson inspired an awed devotion very different from the respectful but familiar enthusiasm around our magnetic "Teddy." (I might mention that I never heard a friend call him "Teddy." But when strangers yelled the name as we drove through the streets, he would beam upon them and wave his hand with obvious pleasure.)

The secretary of the democratic national committee, sitting at my dinner table, did not intend to be profane or blasphemous. But the spell of Woodrow Wilson lay upon him.

"I think he is the greatest man since Christ," he said.

No review of the progressive movement in my time should ignore this worshiping host that followed Wilson. His written and spoken eloquence played upon their emotions; but his achievements gave them more lasting joy. Presidents have struggled with Congress, have fought and pled with Congress, have wept and laughed and sulked at Congress. But Woodrow Wilson alone within recent memory dominated Congress — for a long time. And that spectacle extraordinarily enthused his friends and scared his enemies.

A LaFollette leader, who had come into in-

timate association with the President, whispered to me, as though fearing to be overheard: "Ye Gods! But he is radical. If our friends in Wall Street knew the things he thinks — and sometimes even says — they wouldn't be sleeping peacefully tonight."

Fortunately for their slumbers, these gentlemen probably had forgotten (or did not think Wilson really meant) what he had said in 1912:

"We have come to be one of the worst ruled, one of the most completely controlled and dominated governments in the civilized world — no longer a government by conviction and vote of the majority, but a government by the opinion and duress of small groups of dominant men."

My own acquaintance with those whom Woodrow Wilson trusted — and with labor leaders to whose efforts he gave powerful aid — makes me think that what he said in 1912 he believed as long as he lived.

A progressive national leader had been specially commissioned, in 1912, to investigate a "scandalous affair" that everybody knew about, and about which few people really knew anything. He told me in great detail the results of his sleuthing. "I have all the documents in a safety deposit

box in New York," he said in a low voice, glancing around the club room in apparent fear that a secret service man might be lurking behind a window drape. "I think the President knows that I have them. Honest, I'm afraid to go to Washington. Can't tell what might happen."

These mental states, exaggerated though they may sound, indicated the respect — to use an inclusive word — which Wilson inspired. Over and over again was heard the complaint on Capitol Hill: "They went up to the White House yesterday all full of fight and they came away nice and tame, saying: 'Yes, Mr. President. Quite right, Mr. President.' "

Mr. Bryan, "knocked into a cocked hat" in the department of state, must have smiled grimly when he remembered the charges brought against his "ruthless" leadership; and as he watched the chill precision with which his chief moved the bewildered politicians around on the "checkerboard of nights and days." With even more grim amusement he must have watched the play against Roosevelt. First came the period of domestic legislation, when our carefully worked out, well advertised progressive program became a democratic program largely enacted into laws to wit-

ness the advance and triumph of Wilsonian democracy.

Then came the issue of preparedness, with Roosevelt going out to arouse the countryside and Wilson quietly waiting to take the command of the minute-men, whenever they should rally to the call to arms in sufficient numbers to constitute a dangerous opposition — or a useful supporting army.

When Roosevelt started his preparedness campaign in 1915 it was at the ebb tide of his popularity. The progressive party was dying and this campaign, particularly in the beginning, tended to hasten its demise. Roosevelt cherished no delusion that it was a popular issue. His political analysis is given in the following extract from a letter dated September 4, 1915:

"I think you are exactly right. I believe that I have helped wake the people up. I believe also that in doing it I have increased the animosity to me personally; and I am sorry to say it is possible Wilson will profit by what I have done, because . . . [he] . . . will now bow enough to the inevitable to make some recommendations for half-preparedness; and the American people will then credit it to him for righteousness. You

really please me when you say that you do not believe that I care for the political cost to myself. My dear Richberg, I think I can conscientiously say that I have always been willing to sacrifice my own political chances for a national object which I consider of sufficient weight. But in addition I feel at present that there isn't any sacrifice about it. It is utter folly for any man to think of my holding political position again; and there is the great compensating advantage that this enables me to speak with entire freedom without feeling that thereby I am damaging faithful followers with whose fortunes my fortunes are tangled."

Many of the Colonel's "faithful followers" did not agree with his estimate of his own political strength. The response to his campaign was clearly reviving the old enthusiasm for "Teddy," and in late December I went to Oyster Bay to add another voice to those urging him not to accept the defeatist strategy of the progressive party leadership. It was useless. He smiled tolerantly at my insistence that public sentiment was swinging rapidly in his favor and with a friendly clap on the shoulder finished the discussion saying: "That would be very interesting if

more than one-half of one per cent of the American people felt the way you do."

Weeks later we met at a private luncheon in Chicago and as I came into the room he walked abruptly across to me and said: "You remember our conversation last winter? It *is* coming that way, isn't it?" He glowed with pleasure at the tremendous change in public opinion, even though his earlier doubts had eliminated him from the presidential race. Convinced of his own unpopularity, determined at any cost to defeat Wilson for reëlection, but resolved not to be forced into support of a reactionary republican, he had made it clear to friends and foes alike that if the republicans nominated such a man as Hughes in 1916, he would not run as a progressive and he would support the republican nominee. It was this committal that some of his friends sought to prevent in the winter of 1915. When it was once made, the nomination of Hughes became a practical certainty and the death of the progressive party was inevitable. In a small book published late in 1916 (entitled "Who Wins in November?"), I explained in still more detail the preconvention strategy and its results, as well as the position of Colonel Roosevelt and I received a

letter subsequently from the Colonel, in which he said: "I want to thank you very warmly for your really admirable discussion of my position, which is exactly right." The two conventions were called for the same June day in the same city, Chicago. As a columnist wrote, the progressive party advertised that it would be on a certain corner at a certain time, wearing a red carnation, and that its intentions were matrimonial!

There was only one hope for those who still yearned for an honest party dedicated to real progress — a hope that the republicans would pickle their brains in prejudice and refuse to nominate Hughes and demonstrate complete contempt for the Roosevelt-progressive power. Then the progressives might get rid of their worst political encumbrances — nominate Roosevelt and make another campaign in which a permanent party might be built. Unfortunately, by the time the conventions met the Roosevelt influence was so enormous that nothing but suicidal mania could have kept the republican party from nominating Hughes to insure T. R.'s support. Indeed many of us believed — with good reason — that if the Colonel had not already given his private endorsement of Hughes (and thus scratched

off his own name) his nomination could have been forced on the republicans as the only alternative to four years more of Wilson.

That hot summer of 1916 holds three special memories for me. First, came a sudden illness putting me in bed for ten days, where I wrote with pain and perspiration, but with a desperate enthusiasm, the keynote speech of the progressive convention. It was really the funeral oration of Roosevelt progressivism. There were peculiar reasons known only to a few that brought about this particular collaboration. It would have remained a secret, but the generous orator who invoked and delivered the address (Raymond Robins) unexpectedly revealed its authorship when he introduced me at a banquet held the first day of the convention. Since, therefore, it was my function to explain where the progressive party was going when it was about to die, I ought to be fairly well qualified, some thirteen years later, to tell where it went! Also, eight years after its death, I personally conducted the ghost through the LaFollette-Wheeler progressive convention — my spiritual office being technically described as chairman of the resolutions committee.

The second heated memory of 1916 has more historical significance. While Candidate Hughes was on his disastrous western tour, long and violent telegrams forced me to make a protest to his campaign manager. It appeared that the old guard republicans had taken control of the California machinery and were planning the state campaign so as to ignore and injure the friends of Governor Hiram Johnson as much as possible. This internal warfare was clearly endangering the national ticket. So, armed with imperative credentials, I had a long talk with Chairman Willcox of the republican national committee. Then and there I saw how and why the campaign could be (and was to be) lost. "What can I do? What can I do?" was the chairman's futile cry. Apparently, all over the country the old guard forces were using their knives on the progressives who had "reunited" with them. Progressive votes were welcome; but, in state after state, the recovery of local political control was more important to the small-fry office holders than the national ticket. So Johnson and the progressives were flouted in California — and California was lost — and Hughes lost — and we reëlected the man who "kept us out of war" — and promptly

went into war! My interview with Willcox in Chicago, trying to prevent the California debacle long before it occurred, is just another instance of the hole in the dike and the small boy, whose thumb wasn't big enough to stop the sea!

There was another small-boy-at-the-dike episode during the campaign that shows the brain caliber of reputed political giants. A partially representative group of German-Americans had obtained a rather discreditable understanding with the national republican organization — whereby they felt they would get more favorable treatment under Hughes than under Wilson. There was double-dealing and bluffing on both sides. For many years I had been a director in, and attorney for, a group of German newspapers and, therefore, had a good deal of first-hand information, regarding the professional "foreign-language" politicans who had multiplied greatly in number, malignance and mendacity during the European war. Roosevelt had been assailing the "hyphenates" with his usual vigor; so they found it easy to join forces with the anti-progressives in the republican organization.

Hearing that the Colonel expected to deliver a special blast at "hyphenated-Americans" in

Chicago, the so-called German group protested to the campaign committee. Those politicians being "wise," if not candid, did not move directly but pulled the wires so that T. R. was induced to agree to make a great "labor" speech in Chicago — not having any idea of why the change was requested. Simultaneously Roosevelt's friends and his political enemies learned of the trick. A democratic paper in possession of the story prepared to follow up the Chicago speech with a tremendous exposé, picturing the republican organization, with the connivance of Roosevelt, deliberately carrying on a "pro-German" campaign to elect Hughes and to reverse the alleged "pro-Allies" policy of Wilson. All those who remember pre-war sentiment during our "neutrality" will recognize that if the issue between Hughes and Wilson had been made clearly "pro-German" against "pro-Allies," Wilson would not have had to wait for the California vote to know of his reëlection. The bad-faith of the organization toward Roosevelt was no greater than the stupidity of the injury it was sure to inflict upon Hughes.

Time was very short when full information came into the hands of the Chicago progressives.

It became my job to carry the message to the chief. I met him at Denver and took the same train with him the next day to Chicago. There were only a few talks scheduled from the platform of his private car so we had long sessions over the Chicago speech. Never have I seen a "towering rage" more effectively controlled. The Colonel dictated telegrams of inordinate length but of beautifully clear expression. There was nothing incoherent in his wrath! He explained just what he would and would not do. He would fill a few fixed engagements and then retire to Oyster Bay. He would not say anything in public to injure the campaign. Hughes was beating himself and the defeat should not be charged to Roosevelt. With knife-edged words, he explained what he thought of the campaign — its blunders, its hypocrisies, its consistent double-dealing, the treachery of the official attitude everywhere toward the progressives whose votes were necessary to elect Hughes.

Telegrams came flying back to us as the train neared the Mississippi — first evasive, then apologetic, then beseeching. The gentlemen in command finally realized a bit of their folly. They were very willing to be guided right. They were

sorry they had tried to bite a helping hand, especially after the hand had slapped them so vigorously and justly. And so it happened that the silly group of plotters accomplished less than nothing. T. R. made his most vigorous anti-"hyphenate" speech in Chicago. The democratic exposé never came off. But Mr. Wilson knew who had tried the hardest to beat him — and Mr. Wilson was reëlected — and we went to war!

A month or so after the election, I met Colonel Roosevelt at a Chicago railroad depot and, as we rode over to the club where a private luncheon had been arranged, he suddenly turned and, whacking me across the knee, cried, with obvious relief: "Well, we did all we could, but we have this satisfaction now — we are not responsible for Mr. Wilson and we are not responsible for Mr. Hughes!" If he had made another progressive party fight in 1916, he would have felt quite responsible for the reëlection of Wilson and that would have been intolerable to him. His antipathy to Wilson was most sincere, although I thought it was often unjustified. "Of course I feel much more strongly about Wilson than you do," he wrote in 1916. He had no more faith in Wilson's loftiness of spirit than Wilson had in his.

To go without sugar and create new poison gases

To me both men had unusually high conceptions of public service, but, in philosophy, both were such opportunists that their methods could be easily criticized and their achievements belittled by opponents. But it was the same torch (of progressive national leadership) that Roosevelt

had borne which later fell from the palsied hand of Wilson, and was plucked up again by La-Follette, who had carried it long before in years of bitter loneliness.

We entered the World War. The years of confusion and hysteria began — a period that can be chronicled only in detached sentences and broken paragraphs. The disorder of life compels a disorderly recital. Here was a time when it became noble to do such strange things — to go without sugar and to create new poison gases; to shout for democracy and to enthrone dictators; to be careful of money and careless of life; to teach men to love one another and the best way to disembowel an opponent. I inhaled all the certified nonsense which I could and exhaled it in churches, in circus tents, in theaters and school-rooms, wherever a crowd of people could be gathered for mass poisoning. One old Swedish minister alone reviewed my labors adequately. When I left the pulpit, from which his God had been temporarily excluded so that I might talk "Liberty Loans," the clergyman quietly announced that the services would be concluded by the congregation singing, "our favorite hymn, 'Revive us again'!" They sang every verse of it

too, while my comrades in the rear of the church hugged themselves and choked down their laughter.

Hardest of all problems in this period for me to understand was why it was noble and just to give services to the common need without adequate compensation, but why at the same time it was necessary and righteous to offer extraordinary rewards to persuade men to contribute their property to the same great cause. It was clear that millions of families simply could not live unless some one earned a living. It was equally clear that millions of acres of buildings and machinery would be just as serviceable paying three per cent as if they were paying thirty per cent. Yet men could be got for nothing and money commanded huge profits in war time. When I had finally puzzled out this problem, I realized that alternate eras, of war with profiteering and peace with poverty, would continue as long as the system that inevitably produced these results remained the perfect flower of our time-honored social ignorance. Now I knew, at least, that Roosevelt progressivism was not enough — and that the barren dogmatism of state socialism offered nothing but political acceptance and per-

petuation of existing evils. In this mood I wrote "Democratization of Industry" — a speculative article that merely hinted at the falsity of our industrial conception that the war was so ruthlessly uncovering. It was interesting (1) to note the first appearance of the same phrase in a subsequent presidential message of Wilson (December 2, 1919), (2) to find the article quoted extensively in a later book ("Industry and Humanity") by the Prime Minister of Canada, Mackenzie King, and (3) to read the following extract from a letter written by Roosevelt, May 18, 1917:

"Now, as to your article. Not only do I agree with it, of course, but curiously enough in something I wrote a couple of months ago I used the same idea. If the Metropolitan ever publishes it, I hope you will see it."

The truth is that no man of any political intelligence and economic vision has been able to defend the existing economic order since the World War laid bare its utter inadequacy and its insane consequences. Only powerful fools with money and timid fools who serve them sing with any enthusiasm the old songs in praise of things

as they are. But millions of time-servers, rich and poor, who suspect the words are false and the tune worn-out, join in the chorus for the same futile reason that we still sing the songs of wars that ended long ago. It is easier to sing old songs than to learn new ones.

What a time of fog and lightning was that period of the war! Great clouds of doubt constantly obscuring the old, familiar certainties, with now and then a flash of lightning that revealed things never seen before.

Chicago stockyards were feeding the world. You might not go there in a search for social intelligence, but you might reasonably anticipate finding large deposits of business brains and integrity. Indeed some of the most capable and likable men I have known, made their fortunes in the "yards." But there were also in positions of great power more conspicuous men, whose unfitness for high responsibility was tragically demonstrated before and during the great war. This comment is not based on hearsay.

Of three great houses — my father had saved the fortunes of one of them more than once, having served as its legal adviser for many years. "Hog Everything" should have been emblazoned

on its coat of arms and stamped with the government label on every ham. The confidential agent of another house, having made wealth for others by extensive lying and evasion of laws, decided to grab a fortune for himself. As his former masters pursued him vengefully to an early grave, I listened to his story of the lawless, cruel game played by the "hog butchers for the world" — a story partly told in dust-covered government records, which have been read only by a few "radicals" and by them soon forgotten. There was a third house which was bankrupt when the war began, intolerably wealthy when the war was ended, bankrupt again a few years afterward. These houses furnished some examples of the "business genius," which the rising generation was advised to emulate.

It was to the head of this third house that I went during the war to protest — not in the name of humanity, but of "patriotism" — at labor conditions which were sure to bring a strike and to disorganize the food supplies for the men "over there." "How can I talk about 'democracy' when you make a mockery of the word in the Yards?" was my complaint. And this employer of thousands and feeder of millions was feebly

Men wasting fifteen hours for four hours pay

and vaguely distressed at the charge — which he was sure was not justified. Individual employes had told me the facts which investigators had confirmed. I knew more of actual conditions than the owner of the plant was willing to know. I told of men called in the middle of the night

for a little work, waiting hours for more work, wasting fifteen hours for four hours pay; told of working conditions, cold, damp, filthy and ruinous to health, of wages utterly inadequate to meet the mounting cost of living.

"Give me the names," he replied, "and I will see that the right thing is done." That I could not do; could not violate confidences and expose men to discharge. "Individual wrongs are not the main issue. The point I am making," I reiterated, "is that you must have labor organization. Instead of fighting it, you should help the men to organize, so you can know how the men feel and what they want, so they can express themselves. They will be organized anyhow, with your blessing or despite you. But your present attitude means a strike."

He assured me that they had taken care of that; they had "arrangements with the government" — whatever that meant. There would be no strike. I departed, much to his relief. This strange interview with a "respectable" who did not respect his ability visibly disconcerted him — although I left with him a copy of "Democratization of Industry" to restore his equanimity. He would see that I was just a "theorist" to be

properly disregarded by a "practical" business man.

Within a short time there was a great strike under way in the packing plants. The government had to intervene and wages were raised by government order. Shortly thereafter this house decided to organize its own employes in a gentle, well-controlled company union. They had, at least, learned that some kind of labor organization was necessary, years after every intelligent student of industrial conditions knew of the necessity. So they produced a cheap ineffective social soap, to match their commercial product — both strongly perfumed and well advertised!

The world was at war. America was moving the legions of its young men across the ocean. But Roosevelt, the great inspirer of youth — the courageous, most popular leader of our time, remained at home. "This is a very exclusive war," he said during one of his passages through Chicago, "and I have been blackballed by the committee on admissions." He grinned amiably at me as he spoke, but there was pain in the eyes of the old warrior denied his rightful place in the most terrible conflict of the ages. I had read carefully the correspondence between T. R. and

Secretary Baker. Somehow the reasons for the rejection of Roosevelt seemed incomplete. I reread a letter Baker had written me in 1912, about the progressive party: "My difficulty with it is in its leader, but we are too far apart to quarrel on that subject." That completed the picture. Neither Wilson nor Baker was desirous of using Roosevelt's leadership during the war. "Apparently Mr. Wilson is concerned solely with his own political fortunes" — wrote the Colonel in August, 1917. "He will do anything either to help or to hurt the country precisely as doing so does or does not help or hurt him politically." This was the unjust anger of a justly embittered man. His previous statements had been more accurate:

"Remember, however, that the instant the war began I put myself unreservedly at the disposal of the administration. I heartily backed it for having gone to war, and I have backed everyone of its actions I possibly could. The Administration took every means, directly and indirectly not merely to refuse my aid, but to injure me personally because I had offered aid; and so far as it was safe, it made it evident it would do the direct reverse of anything I suggested."

The difficulty, for one in command of great affairs, of working with powerful men of opposing ideas and temperaments is obvious. One can readily understand Wilson's distaste for a truly non-partisan prosecution of the war. In addition his natural bias in favor of drawing party lines (which was revealed in the blundering demand for a "democratic" Congress in 1918) would have made it difficult for him to imitate the perhaps disheartening example of Lincoln. Nevertheless, it is likely that history will record Wilson's neglect and humiliation of other great leaders of his time as significant of the limitations of his leadership.

To me there is another significance in the Roosevelt-Wilson feud that is well worth considering. Each man was a great spokesman for the popular demand that good fruit should be produced from rotting trees. Neither man exhibited any radical program on economic issues. Despite their intellectual criticisms, both men assumed that the philosophies of barbarism must continue to be the foundation stones of civilization; and while demanding fair play and a square deal did not expect to receive either from an opponent — and, naturally, were seldom surprised in what they got!

A quotation from Herbert Spencer hits the mark: "Conservatism defends those coercive arrangements which a still-lingering savageness makes requisite. Radicalism endeavors to realize a State more in harmony with the character of the ideal man."

Roosevelt read a book of mine during a journey and wrote while still on the train: "But, essentially the lesson you teach is just, and is one that ought to be taught; indeed which it is imperatively necessary to have taught. The big reward, if society is to remain healthy, must be given for service and not for exploitation of a man's fellows." He meant that. But in his daily contacts, he expected to find most men busy exploiting and very few rendering service. He expected that big rewards would go to exploiters and that public servants would get the crumbs. So he wrote to Mr. Harriman that "you and I are practical men" — and later described Mr. Harriman as an "undesirable citizen." Wherefore, Messrs. Wilson and Baker thought him insincere and did not trust him. And moved by similar reasoning the Colonel wrote to me six weeks after we had entered the war (May 18, 1917): "No man can honestly praise Mr. Wil-

son's message of April 3rd to Congress, without unstintingly blaming him for all his previous two and a half years of insincere and double-dealing conduct and hypocritical speech making, which did more to lower the tone of the American people than anything that has happened since the days of Buchanan." These two men simply could not understand each other — and when I come to the end of my story, perhaps the reason will be visible.

There were other misunderstandings of this period deeply significant of the viciousness of the war spirit. Many of us now can look back upon the heroic efforts of men like LaFollette and Norris in the Senate, of men like Robert Lovett in the universities, of women like Jane Addams, and feel a little small and ashamed that, even if we did not join with those who scowled and spat upon them . . . yet we watched them through troubled, puzzled eyes. Why should they seek to appeal to reason when it was no time for doubting and debate? The die was cast. We had decided that we were eternally right and that the other side was eternally wrong. We were going to prove it by beating them down

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with our fists, by shooting them full of holes, by blowing them into pieces, by smothering them with poison gas. If we didn't do it to them they would do it to us.

There was the real war spirit. We were afraid. Above all things we were afraid to stop and think. Afraid that our will would weaken. Fear dominated everywhere and only the brass horns and the drums and brazen voices and hysterical singing helped to stifle our fears. Yet these men wanted us to stop and think, to stop singing and yelling, to sit still and think — which would bring us no comfort — only "doubt, hesitation and pain." So we classed the wise men and women who retained control of their brains with the fools who had no brains (there were plenty of these in evidence) and we, who had given our brains over to the government, and rather enjoyed the mental rest, were puzzled and a bit disappointed over our friends who not only continued to think for themselves but even insisted on thinking out loud.

Thus we prepared for the final dissolution of the progressive movement. To doubt, to question the wisdom of the powers that be, to advance new and disturbing ideas, had ceased to be an act of

virtue, the proof of an aspiring spirit. Such attitudes were "radical" and "destructive." Soon they were to become something even more wicked. Bolshevistic! Progressivism was losing its supreme asset — respectability.

The last year of the war reappears to me as a year of death. Before many of the younger lives were blotted out across the sea, my tired father closed his eyes — and then the kind words, too long withheld, were spoken in personal letters and formal resolutions. Midshipman in the Navy in the Civil War — president of the Board of Education for Chicago, commissioner of uniform laws for Illinois. When his college conferred its highest degree upon him, the president could well speak of long years of uncompensated service to city, state and nation.

This personal loss came in February, 1918. Soon after began the holocaust of youth — the pride of this family and the hope of that, the joyous boy of years gone by, the anticipated leader of years to come. They died over there — for "democracy." Roosevelt's son, Quentin. One must write something to him; but what? A postcard was received in the morning mail from

a dear friend; and a paragraph appeared in the evening newspaper, stating that the writer was dead. A home guard patriot stopped me in the suburban station — "I think ——— is actually disloyal — don't you? Think of demanding to know what we are fighting for?" "He must be disloyal," was my curt answer, "his only son was killed in battle the other day." Of course, it was no time to ask what we were fighting for. We must be sure that it was something noble and splendid or we would all go mad. How could a father, mother, wife, sweetheart, brother, sister or even a friend ask why "he" had marched away? The world was in fact already mad and we could only ask, as I did, that —

When this madness pass
Bitter and bleeding left, it may be sane;
Beneath the soldier's bandage, eyes
Long blinded may begin to see.

How ashamed and skulking I felt when an urgent request came to take up some war work in Washington. The salary wouldn't even pay the rent bills of those I was supporting — and landlords were not reducing rents, even to gold star mothers. Then the grateful friend of whom I

It was no time to ask what we were fighting for

have previously written prevented the President from appointing me to the Federal Trade Commission, where, in slashing my income and trying to render a definite public service, I could have

felt that I was more useful through war time than in merely fighting the public utility profiteers of Chicago. So I resigned myself to having no effective part in saving the world for democracy; even refusing to join in the pleasant game of war politics, through which some of my brethren at the bar blossomed out in officers' uniforms that summer, without deserting their profitable offices or acquiring any evident military intelligence.

Then came the Armistice (preceded by the false dawn) and immediately thereafter could be heard on every side the brittle rustling of falling leaves. It was as though a hard frost overnight had killed the rank growth of war emotions and ideals. The murmur of private interests rose into a great wind that swept across the land, stripping the trees of public service bare. The hopes of youth were thick as they fell; and there came back to me many times the prophecy of Jane Addams when the European war began in 1914: "This will set back progress for a generation." It certainly stalled progress for my generation. We had our long night of bestial intoxication. Then came the dreadful headache in the cold gray dawn; and before us lay the long day when we

should struggle dizzily to put the house of carnival again in order. We would be haggard and weary in the afternoon and ready for our beds early in the evening!

Something of this sense of frustration gripped me as I lay in bed recovering from influenza, shortly after New Year 1919. There was one hope of a fight for something worth while still left. Wilson had been defeated in the fall elections of 1918. In the swing back to the republicans, there was only one first-class leader in sight. The old guard must swallow its animosities and turn to him. In fact I knew of certain recent overtures that were quite significant. . . . The telephone rang. A reporter for an afternoon paper was on the wire: Did I know that Roosevelt had died in his sleep the night before? . . . I was weak with fever. I could only press my face into the pillow and cry like a child. There were many others who wept that day.

With the stopping of the war and the death of Roosevelt, we came to the end of an era in America. It is true that Wilson lived a little longer and that some Wilsonian leadership survived in a measure until 1924. It is true that LaFollette,

the forerunner of both Roosevelt and Wilson, rallied a polyglot army for a last campaign in 1924. It is true that Bryan lingered on to participate ingloriously in the Battle of Dayton where the simian ancestry of mankind was demonstrated by those who denied it. But, regardless of these twilight activities, the day was done and the impulse of that progressivism which had inspired my generation ceased at the end of the World War when the first of its four great leaders died.

Fortunately for me, with the beginning of a new era, my own work swung me out of the old struggle into the new conflict that will engross the energies of the first generation of youth that can see where the new battle lines are being drawn. Before 1919 it was interesting to feel that we had enlisted in an army of progress, that we were battling to carry forward the nation against the opposition of those who would lead a retreat and "turn back the hands of the clock." (Metaphors were always a bit mixed in our emotional gatherings.)

But since 1919 it has been clearly indicated that this nation, with its wealth and aggressive leadership, is going forward somewhere for a long time to come. We are not going back some-

where. There are, however, alternative directions in which we may progress. Toward more democracy and freedom, or more autocracy and control. Toward more idealism and faith, or more materialism and superstition. Toward more general prosperity, or a richer rich and a poorer poor.

We stood at Armageddon and demanded that the economic rulers — the invisible government — cease to rule us, a preposterous demand that those who had the power to rule should forswear their authority. But of recent years the invisible government has grown strong enough to become visible. This visible government is the inevitable growth of certain institutions of government. These institutions were the natural product of habits and customs and beliefs that are the foundation of all law. If our habits, our customs and our beliefs have changed, there must come changes in institutions if we are to have a representative and not an imposed government.

The progressivism that will succeed Roosevelt progressivism will demand some radical changes in government to correspond with radical changes in habits, customs and beliefs that came into the lives of the people during the period from the end

of the Civil War to the end of the World War. It will be a new generation, not bred into the old ways, that will catch the vision of a new day and will seek a new highway to our ancient goal.

In the wandering footprints of the confused leadership of the last eight years, there appears no path of promise; but there are some indications of the direction in which the young men and women of tomorrow will probably move when they become weary of marching round and round in the footsteps of their fathers.

IV
THE SPOILS OF NORMALCY

TO MISLEAD AND CONFUSE POPULAR THINKING

IV

THE SPOILS OF NORMALCY

Many timid souls thought that the collapse of pre-war progressivism marked the end of dangerous new ideas — not realizing that the good government of Roosevelt and Wilson was only the government of Mark Hanna deodorized and that William Jennings Bryan pursued happiness along the street called straight by John D. Rockefeller. The conspicuous leadership of this "progressive" era brought forward no new idea. No martyrs were crucified. Victors and vanquished alike achieved "success" and left "respectable" names and fortunes to their heirs.

Yet in the natural order of things, by 1914, the time had come for intelligent persons to ask "Why Prosperity?" "Is it enough?" "What shall we do with it?" "Where do we go from here?" In truth many intelligent persons were beginning to ask these questions and to discuss them in private; were getting ready to enrage the high priests and to cause annoyance to Herod. Then, just as feminism, prohibition, modernism, behaviorism, de-

terminism, communism and fascism were emerging from academic incubators, the World War burst upon us with its horribly cruel demand that millions and millions of happy, innocent people should either think or else die without thinking.

To meet this terrible emergency a new leadership arose over night — men who knew something about how to save people from thinking — men who had thought about this grave problem every now and then for years — editors, advertising men; managers of theaters, circuses and chambers of commerce; teachers, writers; all the trained "moulders of public opinion." This enlarged Fourth Estate brushed aside the embarrassed clergy and the fuddled politicians and bellowed into the newsprint megaphones: "Follow us. There is no need to think. Follow us and live or die without thinking." Under this guidance the advertiser's theory that anything could be proved by repetition became accepted as the discovery of a natural law, indicating that posterity would rank P. T. Barnum with Galileo and Newton.

When the war ended the people looked around for new leaders — since the process of making peace had destroyed those who had been too busy

making war to have developed acceptable ideas about making peace. And the new leadership of peace promptly adopted the successful technique of the war leadership — Usurpation and Command, supported by camouflage and propaganda.

The prohibitionists were sure that alcohol was a social evil. They commanded it to go and the politicians bowed to the Command. They had learned during the war to bow or be broken. Their heads were bloody and much bowed.

The communists of Russia were sure that a Marxian State would be a social good. They commanded it to come and it came.

Mussolini was sure that he was good for Italy. Fascism became the voice of the Command and Mussolini produced from what was "left" of labor the divine "right" of capital.

Intelligent women were sure that short hair and shorter skirts would be more comfortable. So the Command went forth, cleverly propagandized from the fashion centers of Paris and New York, and behold the tyranny of centuries of Tabu was overthrown in a season!

But this flouting of old authority — of Church and State and Mrs. Grundy — could not be con-

fined to the intelligent. They had led the mob against the Law and the mob would go on. The Sermon on the Mount, good government, hard work, independence, wives, children and paradise on earth — all the objectives of intelligence in the pre-war period had been attacked by the intelligent and the herd had followed them. Prosperity alone remained a common desire; and the common means was: Go get it! The hard flapper, the soft sheik, the bootlegger, the automobile bandit, the real estate boomer, the race track gambler, the bathing beauty, the star athlete, the political crook and the political briber, all found the way to prosperity — to the hotel in Palm Beach, or the jail in Atlanta.

Thus came a great hour of freedom — freedom from moral responsibility — freedom from fears of hell and hopes of paradise. Prohibitionists free to put poison in alcohol and bacchanalians free to lap it up. Captains of industry free to buy public officials and public officials free to sell themselves. Fascism free to terrorize Italy and Italian gunmen free to terrorize Chicago. Reds free to kill Whites in Moscow and Whites free to kill Reds in Massachusetts. Ku Kluxers free to horsewhip people in one State of Ignorance

Materialism became the dominant political philosophy

and people free to horsewhip Ku Kluxers in another. Everybody free to destroy the freedom of everybody else by invoking Invisible Authority with a gun, or a newspaper, or a call of the clan. Prosperity — the one standard, recognized ideal

of living. No other gods. Hell where it was not and heaven where it was.

Materialism became the dominant political philosophy because all parties had long espoused it. For more than a generation the conservative right wing had exalted *private* property and the radical left had clamored for *public* property and the progressive oscillating center had advocated private property refined by public obligations. But property and prosperity had filled the thoughts of all parties. The composite leadership of social ideas had insisted on a government of the stomach, by the stomach and for the stomach. An inebriated statesman once described this ideal with great accuracy as a "government of the belly-best minds." With the end of the World War a government dedicated to this ideal was established in the United States by almost unanimous consent. Thereafter the spoils of normalcy ripened in the Harding Summer, turned golden at the touch of Fall and rotted in the Winter of LaFollette's discontent.

For many years before Teapot Dome demonstrated to a submissive populace, the exact mechanism for bribing a cabinet officer, or before Samuel Insull reluctantly published some of his

private investments in public officials, I had labored in close contact with that "invisible government" in Chicago and Washington, which was destined to become so visible after the Ohio gang had captured the White House. For many years before the Oil Smear when big business men and national political leaders were joined in indictments and tried as common criminals in the District of Columbia, while their hired detectives hounded public officials, shadowed jurymen and even "framed" a United States Senator, I had been experiencing this sort of persecution as a public servant of the City of Chicago. And since my experiences involved not only the same forces, but also many of the same men who were later to go on view in the national "show up," there is both reason and value in narrating some of my adventures during a ten-year fight against the control of government by public utilities in pursuit of private profits.

The manner in which the Peoples Gas Light & Coke Company fought a lawsuit against the City of Chicago certainly furnished me with a liberal education in government according to "business principles." As soon as I had been named special counsel for the City (in 1915), a private detective

agency was employed to shadow me, with instructions to report everything I did and everybody I saw — and particularly anything that might provide material for scandal or blackmail. This sleuthing was carried on in the clumsy way standardized by the best advertised agencies, so that I was soon aware of it. After one or two strangers have introduced themselves as long forgotten boyhood friends; after numerous sly inquiries have been made of office employes and household servants; after you have observed the same freckled-faced young man in elevators in four different buildings in the same day, you may begin to suspect that you are being trailed by the "sleepless eye" or the "wizard of secret service." Thereafter, if you don't mind the annoyance, you can have a good deal of fun at the expense of the enemy.

There were other methods of harassing a lawyer that were not so amusing. The conduct of the first judge before whom I appeared was so scandalous that I presented a petition to the entire Circuit Court of twenty judges, asking that this case be taken away from the feeble-minded old man who insisted on hearing it contrary to the rules of the court and in violation of settled principles

of law. It was notorious that this judge was in his dotage and the gas company lawyers played on his eccentric ideas with scoffing disregard for a decent administration of justice. After a public airing of this situation and a bitter conflict among the judges, the case was transferred to the chief justice of the court, and then, after a peculiar struggle, this action was sustained by the Supreme Court of the state.

Meanwhile, by pulling wires in the city hall, payment of all my accounts had been prevented — so that for nearly a year, not a dollar was paid for the expenses or fees of myself or my associate counsel — the late Glenn E. Plumb of whom I shall write more later. When the funds were finally released, new devices were found for delay so that I would have been literally starved out of the case, except that at one time I found a wealthy man with a kind heart and a civic conscience who advanced several thousand dollars; and at another time a friendly banker came to our relief.

Less than a year after the fight began, a court order had been issued compelling the gas company, for the first time in its history, to give city accountants and engineers complete access to its books and properties, so that public officials could

value the properties and analyze operating expenses and determine what were reasonable gas rates. All this battle could have been avoided if I had been willing to name a chief investigator "acceptable" to the company. That, naturally, I declined to do. Not long afterward I received a telephone call from Samuel Insull, who was chairman of the board of the gas company (as well as president of the electric company), with an offer to negotiate a settlement.

He said he wanted "peace" — although he added truculently — "not peace at any price."

The terms of "peace" were arranged during several months of public negotiation. The company offered to refund one-third of the ten million dollar overcharge which we were seeking to recover. Both sides agreed that gas rates should be reduced and that the company should be permitted to reduce the heating value of the gas and to eliminate the old wasteful "flat flame burner." These changes were in line with progress in the industry. Unfortunately the aldermen were dazzled by a $3,000,000 offer for a claim regarded as of very doubtful value a year before, and their committee refused to settle the lawsuit. Still more unfortunately the company, after accepting a city

ordinance (in the summer of 1917) reducing both rates and quality of gas, demanded a few months later that the public utilities commission should permit it to break its contract and to charge still higher rates for the poorer gas.

The company had accepted in writing an ordinance and had made a contract for a period of years, providing for a permanent adjustment of the questions that had been fought for over fifty years — a most "progressive" ordinance, which regulated by agreement both rates for the consumers and profits for the investors. But Mr. Insull's lawyers shamelessly asserted that their contract was worthless and that they had so regarded it when they signed it! By this time America was in the World War. The English-born Insull was not only the accredited representative of much British money in America and the most powerful public utility operator in Chicago, but he was also chairman of the State Council of Defense.

Thus in the evening, as a speaker for the State Council, it was my patriotic task to discuss the sanctity of a "scrap of paper" — that sacred contract which was being upheld by the blood of the allied soldiery. And in the daytime it was equally my patriotic task to denounce the head of the

State Council as a "gold plated anarchist" who regarded his contract with the city for public service as only a "scrap of paper," which he refused to honor. Across the ocean millions of men were fighting "for democracy" — they told us. But it appeared that democracy had need for a few soldiers in the home guard as well.

My law-partner refused to accept an annual retainer offered by Mr. Insull. But the "former" (and future) partner of the head of the city law department drew $14,000 a year from the gas company. Then when the fight was hottest, this Corporation Counsel of Chicago (named Samuel Ettelson) attempted to "discharge" me; and the mayor "Big Bill" Thompson (to whose election Samuel Insull had contributed $100,000) backed up the two Sams. But the smell of tainted money rose stronger than the stockyards odor. Even the roar of battles overseas could not drown public clamor, and the City Council voted three times over the mayor's veto to retain my services. An honest judge upheld the Council—and was subsequently denied reëlection by Insull politicians!

During this pleasant period, I had to file an affidavit in court concerning the early gaseous activities of Roger Sullivan at the State Capitol —

and the big boss (who was Insull's chief political adviser) came roaring into my office one morning, threatening me with various forms of annihilation because I had "falsely accused" him. Being met with a grin and a question as to what was false in my charges, he sat down and told me the whole story of the twenty-year-old scandal, confirming not only my charges, but many rumors that I had not included. Finally, having relieved his soul, he departed, saying: "Now that's the true story. But if you ever tell what I told you I'll say you're a damn liar!"

Sullivan was not the only man who resorted to empty threats when impeded or annoyed. In February, 1918, Samuel Insull walked into the office of one of my closest friends and announced that if I did not stop attacking him, he would publicly "denounce" me and my father — without specifying for what crimes. Since my father had died only a few days before (which Insull knew) the making of this unconscionable threat was well calculated to whip me into a blind rage. In fact, I struggled with myself for many days to regain self-control. Spies were following me everywhere. Anonymous telephone calls sometimes brought threats and sometimes offered val-

uable information if I would meet the speaker (male or female) at some dubious rendezvous — which I never kept. Long afterward a city policeman told me of his assignment to follow me (and the private detectives who were on the same trail). He said that in police circles it was confidently expected that I would be "rubbed out."

Finally my patience snapped. Not having been sufficiently trained in big business methods this kind of warfare was getting on my nerves. I made an appointment with a former schoolmate, who was one of Insull's lawyers, and told him that I would stand no more. I had statements signed by detectives who had followed me. I had corroborating evidence of attempted blackmail and bribery from various sources. I was prepared to attack the men who were fighting me, with charges that must be heard. "In the end," I said, "they will probably ruin me. That I recognize. But if I go down, there are plenty of big names that will go down with me. I want you to go back and tell Mr. Insull that I am not interested in disclaimers of personal responsibility; that I will not stand any more and that if this campaign of terrorism does not stop, I will expose the whole dirty business."

Two hours later, as I sat in a committee meeting in the City Hall denouncing the Corporation Counsel as a betrayer of the city, another Insull lawyer slipped up to me and whispered: "The Chief told me to tell you that there would be no personal attack unless you started it." From that time on the opposition flattened out. Newspaper men, who had been tipped off to the terrible things that were about to happen to me, waited in vain for the promised stories. Within a month the City Council had passed an ordinance, by a two-thirds vote over the mayor's veto, creating the office of "Special Counsel in Gas Matters," as an official position superior in its special duties to the Corporation Counsel, and had named me in the ordinance itself as this Special Counsel. This position I held until I resigned in 1927; and after 1918 my authority was never questioned.

These incidents in the long gas fight, which I have sketched briefly, will not demonstrate, but they may indicate, where we are going in the conflict between public and private government. Hundreds of private wars such as mine have been started in this country, but the few victories won for the people are brief triumphs. The individual

public servant cannot fight the machine for long. He is forced out, or scared out, or bought out, or starved out, or tired out, or — in a host of cases — he is absorbed into the machine. Either he is given a better public job, with the understanding that he will be "good," or he is given a private job where he must be good. During my long struggle with the gas company, I saw added to the company payroll a public utility commissioner, a corporation counsel, a United States senator, a justice of the state Supreme Court, a tax assessor and a host of other former public officials. I saw "safe" aldermen elevated to the bench and "unsafe" aldermen driven out of politics. I saw "Big Bill" Thompson twice elected as the Insull candidate; once repudiated by the people; and then returned to office carrying the Insull colors. And in the interim we had Mayor Dever, personally honorable and clean, but behind whom marched the machine of George Brennan, the successor of Sullivan in Insull's bi-partisan political system.

Millions of dollars were saved to gas consumers in our twelve-year fight in Chicago — but millions more would have been saved if more of our city and state officials had been honest, in-

stead of hopelessly corrupt. It was only a freak of fate that permitted me to keep on fighting. As a police official said to me: "It was your friends, like Roosevelt, that had them buffaloed." It was too dangerous to rub me out of the picture by coarse methods and those of refined strategy failed. According to this same police officer, for example, there was high excitement in December, 1915, when I left my office suddenly, and literally ran through the streets to catch the Century for New York. Just behind me hurried detective number one. Further back, detective number two scuttled along the sidewalks. In the extreme rear was a friendly city policeman.

Too late my undesired guardians learned that I was going to New York. As they were unable to get authority to travel along, arrangements were made to have me met at the train and thus escorted around the metropolis. But at my hotel, the trail was again lost; so I went to Oyster Bay unattended, spent some time there with Roosevelt and an editor, going over a series of articles which the Colonel had written. Then we drove back to New York after dark in the editor's car. I found a long list of fictitious telephone calls in my hotel letter box, showing the

persistent efforts made by detectives to reëstablish "contact."

This list I have preserved carefully as one of those exhibits which I would like to offer in evidence if the long waiting case of The Republic v. The Underworld of Big Business is called for trial some day. It was really a pity that the comic bloodhounds had lost the trail. How they would have enjoyed reporting the visit to Oyster Bay, together with some wise speculations as to its purpose!

Without going into further details I may finish the Chicago gas episode by stating that after years of man-killing labor, we obtained from the State Commission, in December, 1920, a valuation of the gas company property at $85,000,000. This valuation was finally maintained after a long struggle in the courts, the final order being entered in 1925. The company had claimed that its property was worth from thirty to fifty million dollars more. If the company had won, the people of Chicago would have been compelled to pay every year over $2,000,000 additional in their gas bills — so that dividends might be earned on the inflated "value" of the company's property.

In a romantic novel you might read that a

roar of public applause reddened the ears of the young man who had won a lawsuit saving the city over $2,000,000 a year. But in Chicago the mayor (whose campaign fund had received $100,000 from Insull) and the city lawyer (whose law firm received $14,000 a year from Insull) issued public statements whenever the gas question broke into the newspapers, declaring that the gas case had cost the city $400,000 — and had produced no results! Even personal friends usually restrained any innocent enthusiasm and frequently with wise winks they would ask me how much longer I expected to stay on the city payroll. A political paragrapher wrote, about the time I resigned, that I had the long distance record for holding a municipal job. Such are the realities of public service.

Since the year 1920 I have been participating in the same sort of drama which has been enacted on a larger scale in Washington. All the railroads have been united for years in demanding a valuation for their properties that would exceed by ten to twenty billion dollars the private investment made in them. According to the law transportation rates must be fixed by the Interstate Commerce Commission so as to permit the

railroads to earn about six per cent on the "value" of their properties. The Commission is required to fix the amount of money which represents this "value," upon which rates are then to be based. If this "valuation" is finally computed by the Commission to be from ten to twenty billion dollars larger than the actual investment made by the owners of the railroads in creating the present properties, it follows that transportation rates under the law must be increased unjustly from six hundred million to over one billion dollars annually.

A few loyal public servants have been making a long fight against the unfair demands of the railroads for an excessive valuation of their properties which would become the basis for excessive charges for public service. This fight has been carried on ever since the World War despite a disheartening lack of public interest in the struggle and little encouragement from the White House whence we have heard constant exhortations in favor of economy in spending public money — to protect public interests! Private interests have been seeking to add an annual charge to our transportation bill, which in a generation would equal the money cost of our great-

est war. But how many people have known enough about this contest even to applaud a victory? Not in a single speech or message to Congress has the President directed public attention to the public interest in the "greatest lawsuit in history." The technique of camouflage and propaganda has been working well to mislead the people and to discourage faithful public servants. The only large groups of citizens who were sufficiently informed and cared enough to protest were the railway labor unions. They had been aroused by the persistent efforts of one man.

Out of the new leadership of the war period had risen an unusual spokesman for organized labor, not a large-fisted son of toil but a lawyer-evangelist who preached the "divinity of labor" with the religious zeal of an ancient prophet. This was Glenn E. Plumb, who had been my associate counsel in the Chicago gas litigation until he became counsel for the organized railway employes. Proselyting with tireless energy for labor control in industry, he carried along with him for a time the conventions of the American Federation of Labor, despite the resistance of Samuel Gompers. Aided by the unifying effect of federal control of railroads he persuaded the

conservative engine and train service brotherhoods to join with the other railway unions in establishing a national newspaper — "Labor" — which is today the most effective labor publication in America. He drafted the "Plumb Plan" for a socialized control of the railroads and obtained its endorsement from many men and organizations who would ordinarily turn very pale at the sight of a red flag!

It was Plumb who aroused railroad labor to see its vital interest in the valuation of the railroads which was being made by the Interstate Commerce Commission, under the law which Senator LaFollette had forced through Congress in 1913. Thus it happened that, as the valuation of the Chicago gas company was approaching its successful end, I was drawn gradually into representation of the organized railway employes, particularly in opposition to an excessive valuation of the railroads. Plumb had begun a fight before the Commission, and when his other projects absorbed all his time he persuaded the labor organizations to engage me to carry on the valuation contest.

The same railroad presidents who were seeking to double the profits of railroad owners by

inflating the official value of railroad properties, were at the same time working to reduce the wages of the employes. They had induced Congress to establish the Railroad Labor Board to handle wage questions. By the grace of President Harding they were able to get a board eventually pliant enough to approve of their arguments and statistics. This Board reduced wages over $300,000,000 a year in one order issued in 1921. The employes growled but suffered the loss, the greatest wage cut in all history which was accepted peaceably, as the president of the Baltimore & Ohio subsequently told a Senate committee.

Yet inside a year, this Board (being afraid to reduce the higher paid groups of train service men, who would have struck in a body and paralyzed commerce) proceeded to cut again the wages of all other lower paid employes to about the same extent as before. The railroad shopmen, 400,000 strong, went on strike. They should have received the support of every man who worked for a living; but the propagandists beat them. So arrogant were the "belly-best minds" that when President Harding, after a month's strike, brought authorized committees of mana-

gers and employes into an agreement to settle the controversy, the railroad executives repudiated their agreement with the President and publicly

So arrogant were the "belly-best minds"

flouted his spokesman, Secretary Hoover. After thirty days of private negotiations, another settlement was arranged with a strong group of roads. Then, with peace in sight, the Attorney General,

the odorous Daugherty, actually brought an injunction suit against the labor unions — a suit, not to stop the strike, but to destroy the power of the labor leaders who were on their way to sign a settlement of the strike when the injunction was issued!

During this bitter period I was chief counsel for the striking shopmen. For days following the Daugherty injunction, I had to act without communicating with my clients, in order that they would be able to sign the strike settlement papers before the government officers could interfere with them and prevent a settlement. I participated in every major move in this struggle; saw the persistent untiring efforts of the labor leaders to preserve peace, to check violence, to bring about a settlement. The terms of the Harding settlement of August first were carefully stated, the written words confirmed in my presence by those who spoke for the government and for labor. Yet the responsible operators of the most essential business of the country chose to break their word and to give the lie to the President rather than to make terms with labor organizations which they were determined to crush. (Strange to say I accepted the pledged good faith

of these same men a few years later — as I shall tell — only to learn again that many men, honorable in all other ways, cannot be trusted to keep faith with organized labor. The excuse is obvious: How can men make great fortunes out of the labors of other men without deceiving them?)

It is a simple fact that the part played by the government in the shopmen's strike (with the exception of Secretary Hoover's efforts) was from start to finish partisan and contemptible. It would require a volume to tell the whole story. But the oil scandals, the Daugherty investigation and "The President's Daughter" supply a sufficient explanation of the ignoble subservience of the administration.

Throughout the shopmen's strike I found repeated the tactics of the Chicago gas fight. Hundreds of private detectives were turned loose to spy, to provoke violence, to manufacture affidavits, to fill the newspapers with poisonous lies. The fictions about "trains abandoned in the desert" were reprinted in newspapers and magazines long after this falsehood had been exposed under oath in the government injunction suit. I remember one dreadful photograph of a man "tarred and feathered," which was introduced in

evidence in that case and discredited as a palpable fraud. The "victim" had been taken on a long train journey to be photographed before his "sufferings" were relieved. Then there was an elaborate, malicious story printed concerning the trip of a labor chief to confer with a railroad president, in which the labor leader was described as traveling in the president's "well-stocked" private car. It happened that I had accompanied this labor man to his train on that date and had examined and delivered to him his ticket and his *upper berth* reservation in a regular Pullman car! Hundreds of workers still believe that this man betrayed them for a small fortune — but I have known the exact state of his thin bank account for years!

Perhaps I have lingered too long over the shopmen's strike. But I believe the historian of later generations will find uncovered in the true narrative of its causes, its conduct and the forces thus revealed, evidences of a profound conflict which will and must continue until the dominance of either the philosophy of mastery or service brings about a transformation of our present society and government, as radical as the evolution of democracy out of feudalism.

Following the shopmen's strike the railway unions energetically developed a new program for the settlement of labor disputes in their industry. Previously, however, Glenn E. Plumb (their general counsel) had been undermining his apparently robust constitution with his exhausting labors in behalf of the famous "Plumb Plan." There comes to mind the careless jest of one of our golfing companions one day when Plumb had swung his powerful shoulders into a terrific drive: "Really, Glenn, a man as strong as you are ought to go to work!" I never knew a man who worked harder — or played more joyously. His untimely death in the summer of 1922 brought about an extension of my work to cover a general representation of the railway labor organizations in matters of their common interest. Particularly this involved a three-year campaign to repeal the law which established the Railroad Labor Board and to enact the present Railway Labor Act. Thereby I became more a resident of Washington than of Chicago for some years beginning with 1923, and a busy worker behind the scenes in the various investigations that exposed the utter rottenness of the Harding administration. It was an entertaining, but saddening experience to rea-

lize that the most powerful forces to shape public opinion, the political leadership of both parties, the financial and industrial leadership, the larger news collectors and distributors, were exerting their united power to mislead and to confuse popular thinking. True it was that facts were printed when brought out in public hearings after bitter and unscrupulous obstruction. But how the significant details were blurred! How the obvious conclusions either were not explained, or were misinterpreted for puzzleheaded, slow-minded readers accustomed to get ideas out of headlines and slang phrases!

In the early stages of the Teapot Dome revelations, later in the Daugherty investigation and finally in the Continental Trading Company exposures, there were inviting fields for journalistic enterprise — opportunities for the great news-gathering agencies to piece together obvious clues, to supply the missing links and to tell the people how the complicated machinery of political corruption and commercial dishonesty had been organized and operated to squeeze private fortunes out of public business and to absorb the common wealth.

But the trails ran too high to be followed

to the end. The highest officers of government, the most powerful politicians, the richest of the money-makers, were involved. If the people really understood how badly they were ruled, how lawless and dishonest were the "great men" whose guidance they were expected reverently to follow, some revolutionary upheaval might take place! It was even possible that a new party might be born and all the labor of decades spent in thoroughly corrupting and insuring control of both old parties might be made worthless!

He wanted to believe that the people would respond to a "clarion call"

Indeed, here was Senator LaFollette, desperately conserving his waning strength, nursing his weakened lungs, trying — oh, so hard! — to get himself in shape for "one last battle." He

wanted to believe that the time had come when the people would respond to a "clarion call" to choose new leaders. He knew that if he were to organize the revolt it must be now or never. The shadows were lengthening and the end of his day was drawing near.

He appealed to me — as I am sure he did to many other younger men — to give the utmost of time and energy. He did not offer hopes of quick victories, but the prospect of glorious defeats. One day he met me all glowing with a program he had worked out to give me a "great opportunity." Certain groups were organized and ready. Reasonable campaign funds were assured. All I had to do was to agree to become a candidate for the United States Senate from Illinois. Of course, I could not win, but we would organize the progressive voters of Illinois in this fight and in the fall of 1924 we would have a strong organization to swing into the presidential campaign. In some far distant day we would win the state!

North and South Dakota, Minnesota, Wisconsin, Iowa, Illinois and Michigan were good battle grounds. The progressives could reasonably expect in time to win a great block in the

middle west. Illinois was the key to this happy future. We must begin the work now — and I was the logical first sacrifice. I had an idea about how Iphigenia must have felt when Agamemnon said: "Come with me, dear child!" Only, from my experience in Illinois politics, I suspected that no Diana would rescue me from the altar.

It would have been impossible to resist La-Follette's program if I had had only my own feelings to consider. By this time I understood too well the exceptional nature and value of his public services. Here was a man who had really given his whole life to the service of the people. "It is a bitter, discouraging struggle — many defeats for a few victories — but it brings inner satisfactions that are lasting and repay for all the pain." Thus he argued with me. And I knew that I would rather feel the happiness that shone in his eyes at the end of life than have all the vanities and comforts that might be obtained from other forms of "success." But I knew that I was not the "man of the hour." It was due to him that I should explain why. So I told him of private embarrassments (that need not be written here) which destroyed my apparent availability

as a candidate — and convinced him, I hope, that it was not lack of zeal or purely selfish considerations that disqualified me.

When the decision was finally reached to launch an independent presidential campaign, Senator LaFollette called me to Washington to help lay down the lines of the campaign. At his request I wrote a "keynote speech" to put my ideas in concrete form. It was quite a different production from the progressive "keynote" I had written eight years before. It was quite different from any speech that LaFollette would have delivered. Yet he received it with enthusiasm and for some days I hoped that the campaign might be based on issues that to my mind ran deeper than the old attacks upon "big business" and demands to rescue the people from the rule of monopoly and the "money power."

But in final judgment the veteran warrior turned again to the veteran issues — and decided to march his legions out to familiar shell-torn battlefield. As I read his speech with "young Bob," on the train going to Cleveland, I felt as though the campaign song had been selected in that good old tune: "Tenting tonight on the old camp ground." In these words he had

written the refrain: "To break the combined power of the private monopoly system over the political and economic life of the American people is the one paramount issue of the 1924 campaign." With due humility I was willing to concede that Robert M. LaFollette knew much more about politics and the American people than I would ever know — and that perhaps the issues which I thought were bloodless and unreal seemed vital — perhaps *were* vital — to the voters. Anyhow, the plan adopted was that I was to make my own speech to the convention. "Young Bob" would read his father's speech. In this way, I might have a chance to learn from the delegates at least how vital or how unreal my issues seemed to them.

But the convention leaders had been making their plans also; and on arrival the morning paper informed me that I had been named as chairman of the committee on resolutions. That was a full-sized job for one man — and there would be no time or occasion for any additional speech making. Wise prophets in Washington had predicted that with "all the cranks in America" joining in the Cleveland convention, the writing of a platform that would not tear the

infant party limb from limb in the hour of its birth would be a practical impossibility. Indeed when I faced the crowd of intense faces in the committee room and glanced at the huge piles of resolutions that lay upon the table, I was appalled at the task of reconciling the opinions of that polyglot convention in a document of reasonable length or consistency.

Somehow the well-mixed, sensible committee did the job and the shortest platform ever adopted by a similar convention was reported on time and approved without debate. Perhaps I may be allowed a quiet smile as I quote a few phrases out of several which were clipped from my still-born draft of a keynote speech and written into the platform that was unanimously adopted:

"Under the principle of ruthless individualism and competition, that government is deemed best which offers to the few the greatest chance of individual gain.

"Under the progressive principle of cooperation, that government is deemed best which offers to the many the highest level of average happiness and well-being.

"It is our faith that class gains are temporary

delusions and that eternal laws of compensation make every man his brother's keeper.

"In that faith we present our program of public service.

"The nation may grow rich in the vision of greed. The nation will grow great in the vision of service."

Having served as an official expounder of the progressivism of 1912, 1916 and 1924, I venture the observation that throughout this period the progressive forces in American political life had only the vaguest idea of where they were going. With a more successful leadership they would have been greatly shocked to find themselves marching into their mist-hidden promised land. Not one man in a thousand who shouted for "social justice" in 1912, or for the "vision of service" in 1924 was prepared to limit himself to a socially just reward or to accept the obligations of service. And those wage-earners who were accepting less than "social justice" and who were involuntarily serving their fellow men—those for whom progressivism should mean a better daily life, instead of merely a mental satisfaction—they mostly voted the republican and democratic tickets.

V

THE JUDICIAL BARRICADES

THE BATTLE OF O'FALLON

V

THE JUDICIAL BARRICADES

It was a strangely assorted crowd that filled the council chamber in the city hall of Chicago on May 23, 1923. Here was Senator LaFollette with his hand on the shoulder of William Jennings Bryan. Over there Carl Vroman, assistant secretary of agriculture under Wilson, was chatting with William Kent, former congressman and tariff commissioner, who gave Muir Woods to the nation, and who, long years before as a Chicago alderman, had battled the "gray wolves" of the old city council room. Near at hand the tall, rather solemn Senator Shipstead exchanged greetings with Warren S. Stone, Grand Chief of the Brotherhood of Locomotive Engineers. Over by the rostrum, Mayor Dever of Chicago was welcoming Mayor Hylan of New York. A "non-partisan movement" to protect the public interest in railroad valuation was being organized.

A friendly reporter drew me to one side and whispered: "There is a move on foot to bust up this meeting. A 'business men's committee' is

going to start a row from the floor. Also looks as though there would be a gang of hoodlums in the balcony. There's a queer bunch hanging around the hall outside. The mayor's been tipped off and there's a special police guard ready for any rough stuff."

"What are these gentlemanly 'business men' going to do?" I asked. "How do they get in? They weren't invited to sit in this conference."

"Oh, it's a public gathering; so they're just going to butt in and throw mud at LaFollette. They issued an advance story about the riot they expect to pull off. Here's the stuff, if you want to read it."

Thus it came about that the first session of the "National Conference on Valuation of American Railroads" was a rather exciting affair. Early in the spring, Senator LaFollette had called a preliminary meeting in Washington at which Warren Stone had introduced me to the Senator, with his usual bluntness.

"We have had a lot of experience with lawyers," he said, "and here is one we think we can trust."

LaFollette's face lighted with that winning smile that made even opponents love the man,

as he replied: "Oh, I'm so glad you are here; because I have been told by so many I consulted that you are the man who ought to do this job." Remembering all the unkind things I had thought (and, alas! had sometimes said) about this man, when we were battling, without his aid, "at Armageddon," and later when we were vociferously saving the world, despite his questionings — I felt as though a rather large scuttle of coals of fire had been emptied on my head.

Later I learned that close friends of Wilson had chiefly recommended me for the honor of slinging stones against the Philistines. So if any one is curious to trace with biblical care the origins of the eventual battle of O'Fallon (which I shall describe), and to learn who had led the hosts that were encamped (and mostly sleeping throughout the fight) in the valley of Elah, he will find that the tents of LaFollette, Bryan, Wilson and Roosevelt were pitched along the lines of march to the battlefield. They were all moving in the same direction, although along diverse and winding roads.

The Chicago conference was finally called by the entire progressive group of senators and representatives in Congress, cooperating with a

group of governors. They brought together the railway unions and other labor organizations, big shippers, commercial travelers' associations, farm organizations, mayors of large cities and many public-spirited men, including conspicuous associates of both Roosevelt and Wilson.

After an address of welcome by Mayor Dever, Senator LaFollette proceeded to state the purpose of the meeting, which, however, will be better understood if a little history is first reviewed.

In 1905, LaFollette, the republican governor of Wisconsin, was fighting for a state commission to regulate railroad rates on the basis of a valuation of railroad properties. He called to his aid Colonel Bryan, the first apostle of "peace without victory" in the democratic party. The peerless leader addressed both houses of the legislature in joint session with such unusual effect that the commission bill was passed unanimously.

A year later in Washington Senator LaFollette found himself unable to persuade either President Roosevelt, or a majority of the United States Senate, that railroad rates should be fixed by the Interstate Commerce Commission likewise on the basis of the value of the property used. In

those days progressives came frequently to praise the "Wisconsin idea" — and to bury it at the same time. It was during his speech upon railroad regulation, when republican senators left the chamber as a silent rebuke to a new and radical member, that Senator LaFollette made his famous prophecy that "unless this important subject is rightly settled, seats temporarily vacant may be permanently vacated by those who have the right to occupy them now!" And the untamable LaFollette introduced railway valuation bills in every succeeding session of Congress until, after President Taft had expressed approval in his annual message of 1910, LaFollette's bill finally became a law on March 1, 1913 — just before the inauguration of President Wilson.

The progressive purpose in "valuing" the railroads was primarily to find their original cost, that is, the amount of private investment which had been honestly made in them. This "investment value" would then be used as the basis for fixing transportation rates, so that the owners of the railroads would be limited to a reasonable profit on their investments. Unhappily it had developed by the year 1923, that the blessed tool of railroad valuation was being adapted to base

uses. The Interstate Commerce Commission had been reporting, in practically every "tentative valuation" issued, that it was "unable to ascertain the original cost" of the property, although this was the principal object of its investigation. But the Commission at the same time had been reporting "estimates" of a so-called "reproduction cost" upon which railroad lawyers were basing claims of "value" exceeding the bulliest dreams of railroad owners before the war.

When the Valuation Act was being considered in 1913, railroad witnesses had estimated the value of all the roads at about $14,000,000,000. Ten years later, although the roads were officially reporting that their investment had increased less than five billion dollars, their claims of "value" had increased over twenty billions! Thus, according to the Wall Street Journal of May 26, 1923, it was "roughly estimated that the railroads would value around $35,000,000,000 in 1923"!

Naturally the sponsors of the Valuation Act viewed with more than customary alarm the prospect that another lawful child of government by the people was being educated to pick the pockets of his parents. Even as late as the year 1920, Senator LaFollette had heard the railroad

operators ask Congress to pass a law which would have fixed the total "value" of the roads at about $20,000,000,000. Yet in 1923, when the prices of everything had gone down, these railroad managers were claiming a "value" $15,000,000,000 higher than they were willing to accept in 1920. If the Interstate Commerce Commission should approve of such a "value" and authorize the railroads to earn six per cent on this additional fifteen billions, the result would be an increase in freight rates amounting to $900,000,000 a year. And twelve million poor but loud farmers were demanding lower rates! This ominous situation Senator LaFollette invited the conference to consider.

Then up rose the spokesman for the uninvited "business men's committee," whose high-brow pretensions were strangely supported by a low-brow gathering outside the gallery. This spokesman happened to be a man who had close business relations with all the western railroads. He announced that he had a few questions to ask the Senator and he unfolded a lengthy statement full of impertinent inquiries and insinuations, intended to cast ridicule on LaFollette's long struggle for an honest valuation of railroad property.

Copies of this elaborate propaganda had been issued in advance to the newspapers, in order to muddy public opinion as much as possible. And the press generally found this "advance story" a useful substitute for the actual news. The early edition of one Chicago newspaper, printed before the conference assembled, contained a sensational and wholly imaginative story of the uproar and confusion created by the intervention of these self-appointed members of the conference! As a matter of fact, since we were forewarned, Senator LaFollette courteously permitted the railroad agent to present his mimeographed insult, but firmly declined to permit him to read it out loud. The galleries, having been kept really "respectable" by the police, there was no support available for blackguardism on the floor, so the much touted "blow-up" of the meeting was just a "dud." But it may be observed that the tactics of the "conservative leaders" of business are not always distinguishable from those of political hoodlums!

Another amusing incident of this public session came in the speech of Bryan, who advised a firm defense of public interests but also spoke for the wisdom of compromising when the enemy

was well entrenched! His central thought was expressed in the trite phrase, "half a loaf is better than no bread," which aroused LaFollette to vigorous protest. In his autobiography (published in 1912), he had explained the necessity he had met throughout his battles in Wisconsin of constantly opposing this very argument from well-meaning friends or clever opponents. Later on when he was urging this same matter of railroad valuation upon President Roosevelt he reported that, because Roosevelt "acted upon the maxim that half a loaf is better than no bread," he had found it impossible to cooperate with him. And now his old friend Bryan (mellowed by age and success) was commending that seductive half loaf that LaFollette had always said "dulls the appetite and destroys the keenness of interest in attaining the full loaf." No wonder the old warrior was moved to reply!

He assured Mr. Bryan of his appreciation of his long public services (particularly his support of LaFollette in his early battles in Wisconsin to which I have referred); but he vehemently asserted that all the gains made and held for popular government in Wisconsin had been won by refusing to compromise upon principles or meas-

ures essential to the public welfare. They had learned too often, he cried, that half victories paved the way to final defeat and that temporary defeats, suffered while refusing to compromise, were the necessary groundwork for ultimate and lasting victories.

That evening a little group sat down to dinner at the invitation of former Senator Owen. Thinking of the clash in the morning I compared the bland, assured face of Bryan, rich in honors and not poor in worldly goods, with the lined and anxious face of "Battle Bob," and wondered which man would have left the greater impress on his time when a hundred years had rolled by. Curiously enough, for all his uncompromising zeal, LaFollette was the more tolerant man. His deep and tender affection, not only for his friends, but for all mankind, his ready sympathy with the unfortunate and oppressed, kept his mind open. There were no narrow rooms within it, wherein were housed the intolerance and social prejudice that Bryan so frequently revealed. The distinction was clear. Where Bryan was sure, he would not yield. He believed in his Bible — "from cover to cover." Alcohol was evil. He would not yield to Satan or the Demon Rum. On economic

issues he was not sure. He advocated compromise.

Concerning social and religious issues, La-Follette was not so sure. He recognized mental life as an experiment. But material existence was more nearly fixed. Economic inequalities and hardships were real — subject, he felt, to relief by law. He had definite rules for economic justice and for political action to enforce the rules. Here he was uncompromising.

My mind traveled back twenty-three years to a hotel room just across the street where I had first met Bryan, clad democratically in trousers and undershirt, waiting while his wife repaired the "boiled shirt" necessary for a platform appearance. He greeted affably the two young men who were to escort him to the university. At the start of the long drive (in a horse-drawn cab) he asked if we wanted a non-political speech. On the contrary, we assured him, we had asked both candidates for the presidency to make political speeches. He settled back comfortably and talked of many things. Four years before I had heard him make the crown-of-thorns-cross-of-gold speech in the old Coliseum. But I did not tell him that my father, who was deep in demo-

cratic politics, had detailed to me how George M. Pullman and the silver mine owners had been gathering delegates for him long before the carefully planned speech "swept the delegates off their (delicately balanced) feet." Nor did I tell him that my father had vowed he would never vote for Bryan — which he never did.

I had not been impressed by the undershirt, but the plain sincerity of the man and the most persuasive oratory I had ever heard — possibly excepting Ingersoll — did impress me. Twenty-three years later he was less impressive, weary and disillusioned, with a cold light in the eyes that had flamed with the hopes of youth in 1900. All men do not grow old that way. I could not warm to Clarence Darrow in days when Bryan could make the pulses leap. But at Darrow's seventieth birthday dinner, I paid my tribute to the man who, though poking fun at my religious ideals, could become a more mellow and tolerant friend with each passing year. In fact I described Darrow as "a defender of the faith — a great defender of an old and universal faith that, if you know the truth, the truth shall make you free." That description would hardly have applied to Bryan, after Dayton, Tennessee.

Following the first public meeting of the valuation conference, which I have described, executive sessions were held where the members could deliberate free from the uninvited advice of railroad propagandists. Here a permanent organization was effected and a program was adopted to provide for an aggressive representation of the public interest in a valuation of the railroads on the basis of investment, before the Interstate Commerce Commission and in the courts. I was engaged as general counsel to carry on this work in cooperation with such attorneys general of various states and other public representatives as would assist. In response to our petition the Commission soon after granted the National Conference on Valuation all the rights of a party to the valuation proceedings.

Within six years, largely as a result of this combination of progressive forces, one of the many "supreme issues" of progressivism had been carried from the White House and the halls of Congress into the Supreme Court of the United States. And thus beyond the lives of Roosevelt, Wilson, LaFollette and Bryan, their dissonant campaigns for "economic justice" coalesced in producing the "greatest lawsuit in history" —

which was presented to the Supreme Court as "the O'Fallon case," in January, 1929.

In the final arguments of this case I was officially described as a "friend of the court," or with newspaper informality as "attorney for the people." And if the background of the contest has been adequately painted in, it may be understood why the railroads vigorously sought to prevent my participation in this legal battle; and why the United States Senate for the first time in history passed a resolution (by a vote of 46 to 31) requesting the Supreme Court to hear one particular lawyer in behalf of the public interest (although the Attorney General and the counsel for the Interstate Commerce Commission were already in the case); and why the court graciously gave me a hearing.

Against an appropriate background the O'Fallon case stands out clearly as a resurgence of that progressivism that for twenty years had swayed the executive and legislative departments of the government, that had even leveled some judicial barricades — and then apparently disintegrated under the post-war onslaught of materialism. The vitality of ideals repressed, distorted, battered and betrayed, might well surprise and annoy

the Philistines. Strange indeed that the mere remnants of a defeated host could gather a little company of lieutenants and sergeants and privates to go marching on under old tattered flags, after the old generals all had died, and the new generals all had enlisted under the new golden eagles. Strange indeed that the valuation conference of 1923 had survived to raise its banner in 1929; because in a decade of valuation tournaments the once numerous, well-armored champions of the public had been unhorsed one by one.

Yet there was sore need for every effort that could be put forth month by month and year by year to counteract the never-ceasing pressure of private interests to sway public officials against the public interest. After the first arguments made in behalf of the Conference before the Interstate Commerce Commission, in 1923, I was informed that this was the first presentation of the general valuation problem which five out of eleven members of the Commission had ever heard! Earlier extensive hearings upon the underlying issues had been held before these five men had been appointed. The effect of a reargument of the fundamental questions was most surprising to all concerned. In the ensuing three

years there was a struggle within and outside the Commission which no one can ever chronicle, but which ought to be written down as an epic of the never-ending war between those who serve and those who exploit the common need.

Finally in 1926 came the O'Fallon case, in which, by the narrow margin of one vote, the Interstate Commerce Commission made a decisive ruling in favor of the public interest, holding that the value of railroad property for rate-making purposes "approaches more nearly the reasonable and necessary investment in the property than the cost of reproducing it at a particular time." But the Commission's own lawyers were officially silent. The lawyers for the railroads were all protesting. The lawyers for the state commissions were refusing to approve. As counsel for the National Conference on Valuation, I found myself representing the only party to the "greatest lawsuit in history" who was supporting this public tribunal in its judgment that the public should not be compelled to pay interest on more than ten billion dollars for no value received!

Shippers would pay higher freight rates if railroad valuations were increased. But the

chambers of commerce and trade associations sent no lawyers to plead for them. Farmers were mailing petitions asking Congress, or the Inter-

Farmers were mailing petitions asking some sovereign power to reduce their freight rates

state Commerce Commission, or the President, or Ford or Morgan or Rockefeller, or some other sovereign power, to reduce freight rates. But the "farm organizations" sent no lawyers to plead for them. State governments were maintaining

law departments and commissions, ostensibly to protect public interests. Cities were employing "special counsel" to prevent larger bills for gas, telephone, electric and traction service. But the states and cities sent no lawyers to plead against increasing the six billion dollar annual bill paid for railroad service. Yet at times during the preceding decade lawyers had been sent by all these groups to oppose rate increases. Why were they all voiceless in this critical hour?

There were two principal reasons. In the first place, for many years the railroads had been cleverly developing a "cooperative program" with shippers, diligently persuading them that all freight charges could be passed on to the "ultimate consumer"; and that therefore "good service" was more important to big shippers than cheap rates. All those who "cooperated," by not opposing the railroads in their efforts to increase earnings, would get "good service." If they didn't "cooperate," how could they expect "good service"? This argument was most persuasive.

Similar "cooperative relations," based on other persuasive reasons, had been established with the principal farm organizations; so that when

death removed the militant Clifford Thorne from the valuation proceedings no one was sent to speak for the overburdened shippers and farmers whom he had long represented.

And during these years the closely organized, prosperous public utilities, knowing that the amount of their profits depended largely on political control, had been steadily weeding out of state and local governments the "radicals" and "demagogues" and "progressives" who opposed them. The political corruption which I had watched at close hand in Illinois had been operating efficiently throughout the country in the reign of normalcy. Experiences related to me by friends and allies in Maine, New York, Pennsylvania, Indiana, Wisconsin, Nebraska, California, Washington — indeed everywhere — evidenced the same relentless campaign to drive out of public office any man who did not accept the doctrine that those who pay for political campaigns have made investments in public officials, which must pay good dividends. This doctrine provides the solid, "business-like" foundation of party government which insures minority control and preserves us from the dangers of government by majority rule.

The second potent reason for the absence of public support of the Interstate Commerce Commission came from the increasing interference of the courts with exercise of judgment by other public officers. Much higher judicial barricades to political progress had been constructed since the World War began. It is a curious fact that judicial obstructionists are usually the last and the least criticized of public officials. Yet from the founding of the republic every man who has led the procession of American life has found it necessary to smash his way through judicial barriers reared to preserve the powers that be against the powers that must be. This applies to all forms of leadership, including scientists and business men. But the obstacles to political advance can be most easily reviewed.

In the cradle days of the nation it was Thomas Jefferson who said repeatedly that "the germ of dissolution in our Federal Government is the judiciary." He proclaimed that "a judiciary independent of the will of the nation" was out of place in a republican government. It followed naturally that, in order to block this "radical," the defeated Federalists created and packed the federal judiciary just before his inauguration.

After which the Jeffersonians, with not unrighteous wrath, repealed the law and removed all the "midnight judges" they could reach.

In the next generation the democracy of Andrew Jackson stormed into actual control of government through judicial fortifications reared by Chief Justice Marshall; and, after President Jackson had transformed the bench, a vast body of laws which could not be enforced under the rule of John Marshall became the law under Jacksonian judges.

In one more generation we find the Jacksonian Chief Justice Taney writing the Dred Scott opinion, which denied the power of Congress to abolish slavery in the territories. Then Abraham Lincoln denounced both the decision and the court and, having been elected President upon a platform repudiating the "political heresy" of the Supreme Court, he rejected its wisdom, even disregarded its commands, and did what he could to reform its character.

Still another generation of "radicals" rose to affright the Brahmins, and in 1894 the "populistic" democracy passed an income tax law. But this "communistic march" against property (as described by the opposition) was halted by a five

to four decision of the Supreme Court, whose majority revealed their emotions in prophesying that "the present assault upon capital is but the beginning."

So the sovereign people of the United States had to wait for nineteen years until the progressive movement could produce an amendment to the Constitution which would allow them to tax their incomes. It required a "communistic march" of the people through three-fourths of the states, led by Roosevelt, Wilson, LaFollette and Bryan (and by Taft!) to overcome the resistance of one judge at the Supreme judicial barricade. And if these "communists" had not broken through the barricade, how would the United States have been able to finance its expenditures in the World War?

In the light of this history, it is not surprising that the progressives of my generation have been accused of "assaults upon the judiciary." It would be difficult to conceive of a real advance toward "social justice" in the United States that has not left, or would not leave, a vast wreckage of judge-made law in its pathway. The political revolutions of Jefferson and Jackson, the civil war of Lincoln, the recent progressive struggles

to amend the Constitution, all testify to the terrible price we must pay to achieve self-government against the opposition of well-provisioned minorities entrenched behind judicial barricades.

Yet something of this price must be paid for domestic peace and prosperity. We are told that the men and institutions that conserve power and wealth are bulwarks against anarchy and reckless social experiment. Of course, poor men are not all anarchists or reckless experimenters. They are more likely to be timid folk. But they are inclined to want a change; and not every change is good. Not every rebellion is a birth pang of evolution.

In a copy of his "American Ideals," which Roosevelt once sent me, he scribbled some lines suggesting that certain of the twenty-year-old essays "make pretty good doctrine in essence now." To carry on some of this good doctrine to another generation, I would like to refer to the chapter on "The Law of Civilization and Decay," where Roosevelt expresses agreement with Brooks Adams that "the progress of civilization and centralization has depended largely upon the growing mastery of the attack over the defence." Any one can see that the conservative fortifica-

tions must be carried by assault whenever it is time to establish a new leadership in the tents of the mighty. It should be equally obvious that judicial barriers cannot be left standing across the road that leads up, however much we may respect their former usefulness, or the courage or loyalty of the old guard that will not surrender them. And so, as these fortresses have been rising higher and higher, progressives have had cause to fear that the powers of defense might be growing too great for the powers of attack and that behind such Chinese walls a ruling class no longer worthy might unhappily survive.

It was the growing strength of this judicial defense that really defeated the progressive attack of my generation and stirred its leaders in 1912 to talk about the recall of judges and the "recall of decisions." "Twin devils of anarchy!" shouted the opposition. We were solemnly told that the reversal of a judge-made rule of public policy by the people would be "an appeal from the umpire to the bleachers" — as though government were a game in which the people were only spectators!

In 1924 the progressive candidates urged that a legislature should have the power to reënact a

law which had been nullified by a court merely because it conflicted with the political, social or economic theories of the judges. Thereupon the candidates of the "party of Lincoln" denounced LaFollette and Wheeler, exactly as Stephen A. Douglas had denounced Abraham Lincoln sixty-five years before, for "assailing the judiciary" and "undermining the constitution." Worshipers of Chief Justice Marshall shouted their horror at such "attacks upon the courts," in 1912 and 1924. Yet more than one hundred years before, when his colleague Justice Chase had been impeached, this same John Marshall wrote Chase in these words: "I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than a removal of the Judge who has rendered them unknowing of his fault."

Thus over a century before Roosevelt and LaFollette made their "radical" attacks on the barbed wire protected bench, "the supreme conservative," the ablest expounder and defender of our Constitution, the great Chief Justice Marshall himself, had proposed the "recall of decisions" —

as a "milder" method of correcting judicial error than the removal of the judge!

It is the height of fashion for conservative patriots to attack members of Congress and force them out of office because they make bad laws. But any one who seeks to criticize or to remove a judge who makes bad laws will be called a "dangerous radical" and may even be excluded from cocktail parties in our "best homes." Yet sometimes the law made by a court is so bad that it is laughable. I remember how, during the progressive party campaign in 1912, we tried to place the names of our candidates on the official ballot in Illinois, in accordance with rights definitely written in the state constitution and statutes. The state Supreme Court (composed exclusively of judges from opposing parties) denied our petition in a decision so difficult to justify that the opinion-writer resorted to this strange argument: "The object of the official ballot is not to furnish voters with information as to the persons who are the candidates of their respective parties, or of any parties . . ." ! Yet we were required to accept such "laws" as reverently as though it had been written on tablets of stone and sent down by a special messenger from Mount Sinai.

The portentous remarks of eminent counsel often reveal their reverential attitude with amusing clearness. During the arguments of the O'Fallon case before the Interstate Commerce Commission, the scholarly John E. Benton referred to a very solemn railroad lawyer as, "frowning down upon us like the messenger of one vested with power to destroy all our works . . . not exactly like one preaching a new gospel, but rather as one who, speaking with authority, condescends to expound to the blind and unregenerate the justice and reasonableness of the decrees of the everlasting God!"

In this same group of arguments, I had suggested to the Commission that it had an independent function of government to perform; that it might properly seek light upon legal duties and legal rights in the decisions of the courts; but that it should not "listen with reverent ears to every casual opinion" of a judge upon "questions of public policy," which the courts themselves agree should be decided by legislators and not by judges. Whereupon Judge Brantley, one of the chief counsel for the railroads, announced that his only reply to my argument would be to tell a story of the old doorkeeper in the Capitol, who

was trying to keep a visitor out of the crowded Supreme Court room, and who said: "You better remember this. If you gets in contempt

"If you gets in contempt of this court you ain't got nowhere to appeal to except to God"

of this Court you ain't got nowhere to appeal to except to God!"

In comment upon these humorous remarks, I would observe that respect for superior intelli-

gence or authority may indicate a sound sense of social discipline; but that prostration before human beings or their opinions indicates only a lack of full self-respect. If in truth the only appeal from the Supreme Court is to God, it might be wise to provide for an intermediary appeal to the American people! Instead of taking an appeal to the "God of Hosts" in 1861, it might have been less ruinous to have appealed even from the Supreme Court to the bleachers! The judge who himself has the courage to dissent should expect no less courage in those against whom he rules. Those who cry shrilly with Chief Justice Marshall that "an attack on the judiciary is in fact an attack upon the Union" betray a fear of criticism which is likely to destroy both the freedom of a people and the wisdom of their rulers.

It may be revealing a dangerous secret but, in confidence that very few will perceive its significance, I will venture to reveal the fact that no progressive party in the United States will ever progress appreciably until its rank and file have been educated to understand that the principal and supreme law makers in this nation are the judges. All "inside" students of government and "practical politicians" of the first rank know this.

But among one hundred and fifteen million people, the bulk of those who think at all on the subject believe that they elect senators and representatives to "make" their laws and that the judges only "interpret" and "enforce" the laws that other people make. No popular conception is equally untrue except the belief in Zion City, Illinois, that the world is flat.

When a gangster in Chicago, or a politician in Washington, or a corporation president in New York, wants to know the "law," he is only mildly interested in what may be written in the statutes. His vivid interest is in knowing what some judge will do. He wants his lawyer to tell him that, because — in the authoritative words of Mr. Justice Holmes — "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law."

Most judges, either because of policy or self-deception or simple ignorance, repeat what the great legal scholar Austin called "the childish fiction" that they do not make the law. In the Daugherty injunction case, for example, all the rulings of the court were announced as though they were a statement of long standing law, made by some one else in some other place. Yet a legal

writer of real authority — Professor W. W. Cook — explained where and how this law was made in the Yale Law Journal of December, 1922, where he wrote:

"The case presented to the learned judge was one which required the making of new law; that is, it involved the exercise of the power to legislate, to establish the law for the case in hand."

Professor Cook added that not one of the propositions stated by the court "can be regarded as a statement of well settled law." The fact was that other federal judges were deciding the same questions in regard to the same strike and were writing conflicting statements of "the law" and were entering entirely different orders. So that "the law" which the strikers were ordered to obey was different in every court — and these different "laws" were often imposed on the same men. For instance, many judges authorized some of the strikers to picket — but Judge Wilkerson forbade all strikers to picket. The "law" was simply what each judge decided to do to the man brought before him. Nothing more.

As a young man I listened with deep respect to the teachings of the eminent John Chipman Gray of Harvard. But it was years later before I got understanding of his wisdom and appreciated the scientific accuracy of his definition of "the law":

"The true view, as I submit, is that the Law is what the judges declare; that statutes, precedents, the opinions of learned experts, customs, and morality are the sources of the law; that back of everything lie the opinions of the ruling spirits of the community; who have the power to close any of these sources; but that as long as they do not interfere, the judges, in establishing Law, have recourse to these sources."

There, written in scholarly language, is the dangerous secret, which is well known to legal scientists but seldom revealed by lawyers or politicians — principally because they don't know it: "*The law is what the judges declare. Back of everything lie the opinions of the ruling spirits of the community.*" For twenty-five years we progressives babbled about "invisible government" and occasionally bleated about "judicial usurpation." Meanwhile our law was being visibly prepared

in the noisy, cock-sure opinions of our "ruling spirits." These opinions were then being made into law, not by "judicial usurpation," but by judges doing exactly what they were selected or appointed to do.

Railway promoters were not "ruling spirits" when 70,000 miles of road represented only a small scandal-clouded fraction of our national wealth. In that day the Supreme Court held that a scale of rates "fixed by the legislature binds the courts as well as the people." But twenty years later railroad mileage and wealth bulked much larger and the same court decided that it had the power to prevent the enforcement of rates that did not provide a fair return on the capital invested. However, the court at that time declined to weigh the evidence so as to reach an independent opinion, but merely examined it sufficiently to see whether a reasonable judgment had been exercised by those who had fixed rates. But in twenty years more the "ruling spirits" of the railroads and the nation had become identical and by that time the law had been rewritten in the courts so as to provide that railroad owners must be allowed a "fair return upon the value of their property" and that the courts would ex-

ercise an "independent judgment" upon the evidence to see whether this had been done.

Thus, when we reached the end of the Roosevelt-Wilson era and carried the LaFollette-Bryan struggle for reasonable railroad rates into the Supreme Court in the O'Fallon case, and when, like good lawyers, we looked back over half a century to discover the probable law of today, that is, in order to guess what the courts would do, we could hardly help crying out: "How times have changed!" The "ruling spirits" of bygone agricultural America were gone forever. Lincoln had suggested in 1859 that farmers received more flattery than any other class because they cast more votes. But he conceded that as the most numerous class their interests were entitled to greatest consideration. The farm population of today casts fewer votes, hears much less flattery even in campaign time, and the "ruling spirits" give it all too little consideration for their own ultimate good. The voices of commerce and industry are heard most clearly in legislative halls and in the chambers of the courts.

The dominating political issues of the future are most likely to arise between the wage-earners, the users of the wealth of America, and the own-

ers, the managers of vast properties. The "ruling spirits" that make the law, the organizers and controllers of property rights, whose protection is the chief function of the courts, *may* learn to seek scientific guidance in shaping public policy, so that general instead of special interests may be advanced. Thus they may "secure the blessings of liberty" for more people and "promote the general welfare." In this way they may actually "preserve, protect and defend the Constitution of the United States."

On the other hand our "ruling spirits" may continue to seek in very human fashion to increase their mastery over those who are "just folks" — increasing the current deluge of propaganda about "service," as a frothy substitute for a greater output of solid "service." They may continue to provide more circuses and to increase the price of bread. In this event there must come a time when the organizers of those who use things and the organizers of those who own things will struggle to rule the minds of a people who have known and loved liberty. In that day many worried "intellectuals" may find themselves repeating the lines of the perplexed Oscar Wilde in his Sonnet to Liberty:

Not that I love thy children, whose dull eyes
See nothing save their own unlovely woe,
Whose minds know nothing, nothing care
to know —
But that the roar of thy Democracies,
Thy reigns of Terror, thy great Anarchies,
Mirror my wildest passions like the sea
And give my rage a brother . . . Liberty!
For this sake only do thy dissonant cries
Delight my discreet soul, else might all kings
By bloody knout or treacherous cannonades
Rob nations of their rights inviolate
And I remain unmoved — and yet, and yet,
These Christs that die upon the barricades,
God knows it I am with them, in some things.

VI

TRYING TO BURY THE BIG STICK

TRYING TO SOLVE LABOR ISSUES BY FORCE

VI

TRYING TO BURY THE BIG STICK

As I entered the Senator's private office he waved his hand toward a huge blackboard covered with white letters and lines. "See what you think of that." It was a diagram of a law he was proposing. Twenty-five printed pages had been translated into a few sentences set off in squares connected and related to each other by heavy lines and arrows.

"I am going to take that into the committee room and then onto the floor of the Senate," he explained. "The hardest thing to do is to get these men to think. I must make them see it without thinking. Most of them won't read the bill and those who do won't study it enough to know what it's all about."

Just a few days before I had sat in the gallery of the House of Representatives when the republican floor leader, Nicholas Longworth, was speaking against this same bill. He misstated the central provision so absurdly that a roar of pro-

test drove him red-faced from the floor. Yet a week previously, I had given him a condensed summary of the bill, together with a simple chart and offered to spend any amount of time desired in explaining the whole document.

"No," said the leader, "we have decided to oppose the bill, so there's no use talking about it!"

"We" meant the steering committee, of which, so far as I could ascertain, not a single member had made a careful study of the bill — which the entire republican organization, from the White House down, was to oppose in this session of Congress and then (after a limited revision) was to support and pass in the next session. The "regulars" did not need to study the Howell-Barkley Bill in 1924, because the "business interests" generally were opposed to any program offered by organized labor for the peaceful settlement of industrial disputes. They were still devoted to the program of "deflating labor." But another strategy was rapidly developing. The philosophy of "high wages" (to support high prices) was taking hold. Schemes for controlling labor organizations through company unions, group insurance, employe stock-ownership and similar devices, were gaining ground. Thus two

years later the Watson-Parker Bill (a revision of the Howell-Barkley Bill, agreed to by both railway employers and employes) became a law, entitled the Railway Labor Act.

Only thirteen senators and thirteen representatives voted against the revised bill and more of the leaders in each house read the bill that was passed than the bill against which they filibustered two years before. But it was still very difficult to get members to think about the proposed legislation — as the opposition learned when their elaborate arguments were washed out in the final roll-calls.

Those who carry on successful campaigns to elect public officials, or to pass or defeat legislation, know very well that "public opinion" is not a thought, but an emotion. "Public demand" speaks for organized desire, rather than for organized need.

An understanding that very few community leaders either think for themselves, or are capable of such thinking, is very important in speculating as to where we are going in the next generation. For about thirty years I have been noting in all varieties of social relations how bored and annoyed most people are when asked to think out

any problem, unless action is immediately necessary. The cigar-store clerk, the senator, the manufacturer, the judge, the dinner partner and the members of the family — all yawn politely when one "theorizes" about labor relations. But when a great strike makes it necessary for "intelligent persons" to have opinions — or to do something, like issuing an injunction — then the "theorists" on both sides of the argument are hastily called upon to supply the ideas needed to rationalize self-interest.

Theory lures and guides the explorer. Science builds roads where theory had blazed trails. And so "theorists" produce most of the thinking necessary to human progress; while "practical" men, scornful of theories, just keep the wheels going round. This is a useful service; but the improvement and the guidance of social mechanisms are also matters of some importance. Probably the theorist has been nowhere more unwelcome, and the practical men nowhere more arrogant and incompetent, than in the field of labor relations. The officers of large corporations and the heads of labor unions have quite generally agreed upon ignoring the advice of "intellectuals" in the solution of these common problems.

My thoughts go back to a conference of friendly lawyers called by Samuel Gompers in 1922 to give volunteer aid to the American Federation of Labor in the handling of some knotty questions. We all recognized and discussed the serious organic weakness in the lack of a legal department (and an economic research department) in the federation. We knew that any suggestion of the sort would create the suspicion that some one was "looking for a job." In a private discussion with President Gompers concerning some of our tactfully worded recommendations, he told me with amused scorn about how a certain lawyer had often urged upon him that the federation should provide something like a department of justice for the labor movement. "Of course *he* would have been the attorney general!" exploded Gompers, with knowing laughter.

Long before I represented labor organizations to any considerable extent I had observed that each employer among my clients had his own "system" for dealing with employes. If he made money he was doubly assured that he knew "how to handle labor." But if he lost money he never questioned his capacity as an employer. One

man told me all the details of how he bankrupted and lost control of a large enterprise because of his battle with a labor union. Until I suggested it, he frankly admitted that he had never thought of consulting some one who might know more about the "labor game" than he knew. Other employers, as "wise" as this one, employ detective agencies, that fatten on labor disputes, to help them keep out of trouble! They infiltrate their shops with spies who stir up strife in order to justify their employment. "Theorists" who would advise against such follies are as unwelcome as labor agitators.

In the year 1925 a joint committee representing railroad employers and railroad employes made the first draft of the present federal law for the settlement of railway labor disputes. Then Colonel Thom, as counsel for railroads, and I, as counsel for the unions, were called in to rewrite the draft in language appropriate for a bill to be introduced in Congress. We were informed that critical comments were not desired, that we were to be "good," that we were not to wrangle in lawyer fashion to give advantage to our clients. They had done their own bargaining. We were only to carry out their program. Thus deference

was paid to the traditional employer-employe scorn of "expert advice."

But in this instance it happened that the "theorists" had not been really scorned. In truth the existing Railway Labor Act, which was drafted in these conferences, is the result of a long and tragic demonstration that labor relations in a great essential industry must be handled in a scientific manner, upon theories developed out of careful, honest research; or great economic losses and serious social conflicts will persistently recur.

The "Debs strike" of 1894, the Erdman Act of 1898, the Newlands Act of 1913, the Adamson Eight-hour Law of 1916, the Transportation Act of 1920 and the shopmen's strike of 1922, are major landmarks along the highway leading to the Railway Labor Act of 1926. Through increasing research into the causes and results of railroad labor controversies, there gradually developed one common understanding among representatives of employers, employes and the public: some "method" must be found whereby each of the three groups could protect and promote its interests in the actual operation of the industry. When men of competitive interest be-

gin looking for a "method" of cooperation the rule of dull-minded, stubborn fighters is passing. Perhaps in a thousand years more it may be gone!

Self-destructive money control, labor strikes and public regulation had taught all partisans in the transportation industry some humility; had induced some willingness to listen to one another; had caused them to study, to reflect, to counsel even with "academic theorists," to experiment with new social programs. Oscar Wilde defined the Philistine as one "who upholds and aids the heavy, cumbrous, blind, mechanical forces of society, and who does not recognize dynamic force when he meets it either in a man or a movement." The Philistines were losing authority in the railroad labor field.

When Colonel Thom was testifying in support of the Watson-Parker Bill of 1926 he was asked to explain the change from his attitude of opposition to the similar Howell-Barkley Bill of 1924. He replied with disarming candor that "if I am to be a man of affairs . . . I have got to know a fact when I meet it in the road." The railroad presidents for whom he spoke were not all Philistines, unable to understand the dynamic force of the railway labor movement.

The Railroad Labor Board, created by the Transportation Act of 1920, had been the device of employers for settling labor disputes. Despite its apparently three-sided organization, it became in operation a one-sided — or at most a two-sided — mechanism for dealing with a three-sided problem. When the third group, the employes, could tolerate it no longer they devised a substitute law which was proposed jointly by Senator Howell of Nebraska and Congressman (now Senator) Barkley of Kentucky in 1924. The railway labor unions had tried, as well as a group of partisans could, to make their proposal three-sided, to establish a fair balance between the powers of the three competing forces of owner, worker and public interest. They had discussed their problem with reasonably open-minded railroad officers, with political scientists, with public officials such as Secretary Hoover and Secretary Davis, with many senators and representatives. They had even taken counsel with a group of lawyers and waited patiently during months of research and restatement of their composite ideas.

The resulting, carefully worked out, legislative proposal met the combined opposition of all the railroad managements, the principal commercial

organizations, including the powerful anti-labor-union manufacturers, and the republican and democratic official leaders in Congress. The unions fought for a fair consideration of their program with one principal weapon — scientifically organized education, supported by a voting power too vigorous to be ignored. Undoubtedly the political strength of the railroad employes earned them an attention that might otherwise have been denied, and insured them some congressional votes that would not have come from a mere appeal to reason. But the balance of power in Senate and House, between the natural partisans of employer and employe interests, came from men who were induced to study and became convinced that the existing law was a failure and that the employes were proposing a substitute which was worthy of a trial.

The House committee refused to give the bill a hearing. A majority of the House voted to take the bill from the committee. The republican leaders started a filibuster. The light in the Capitol dome burned late. For two long days the parliamentary battle raged on the floor; and after twenty-four roll-calls a majority still supported the Barkley Bill. Then the session ended. On

the Senate side, after extending hearings, a majority of the Interstate Commerce Committee reported out the Howell Bill with a few amendments and a recommendation that it should pass. (I can still see the shining eyes of dear "Old Bob" LaFollette who came from his sick-bed to fight and vote for that favorable report!) But this action came too late for a vote upon the floor.

For weeks and weeks the officers of the labor organizations had tramped the marble corridors of the Capitol, interviewing and reporting upon the attitude of every Senator and Representative, leaving pamphlets, preparing special memorandums, furnishing information, debating opposing arguments, supplying ammunition to friends. And all over the country the local lodges had been organizing sentiment in congressional districts to refute the claim that the workers were asking for "special legislation" and "ignoring the public interest." Despite a suffocating opposition, the organized railway workers had demonstrated that the Railroad Labor Board must go; that Congress would find some new method of harmonizing industrial relations on the railroads; that the new law would be written either with the aid of railroad managements, or else written over

their protests. These were some of the facts that Colonel Thom, the wise legal adviser of the railroad presidents, found it necessary, as a man of affairs, to recognize when he met them in the middle of the road.

So it happened that the next year a conference committee of railroad presidents and labor leaders was organized; the Howell-Barkley Bill was revised; the wobbly blessing of the Coolidge administration was bestowed upon the agreement of employers and employes; the chairmen of the Senate and House committees (Senator Watson and Representative Parker) introduced the revised bill on January 7, 1926; it was passed with only 13 votes against it in each house, and signed by the President on May 20, 1926. Thus began a new and vitally important experiment in social cooperation.

No social scientist, of course, ignores the profound issue that has developed between the idealism of self-government and the actuality of big business. The inevitable effect of massing the production of goods and services into enterprises of national and international size is to dwarf the individual to a social and political insignificance.

The "independent citizen" tends to disappear — even in the professional classes. Dependent workers — wage-earners, salaried men, tenants, "hired men" of every degree — tend to increase. These dependents become more vitally interested

The independent citizen tends to disappear

in the immediate programs, policies and orders of commercial sovereigns than in remote political idealisms.

The copper miner was not likely in 1929 to be enthused over anti-trust legislation when his wage was rising ten cents a day with every cent

which the mine-owners' control could add to the price of copper. The railway worker found it safer in 1920 to get an increased wage out of increased transportation rates, in order to meet an increased cost of living, than to accept a lower wage in 1921 in the vague hope that lower rates might bring a lower cost of living. More and more the tendency of concentrating industry is to make the individual primarily the subject of a business empire and secondarily a citizen of the republic. The increasing size and power of these commercial empires hastens the day when either the idealism of self-government will cease to control political government or it must take control of economic government.

The national sovereignty can be no more than a composite of its sovereign parts. Feudal barons in England maintained a feudal kingdom and forced a charter of their liberties from their king. Thirteen democratic states in America established a federal republic of limited powers. Then, as political state sovereignty declined and the commercial rule of national corporations rose, the political government of the nation became more and more representative of national commerce. When Calvin Coolidge said that the "business of

America is business," many people actually applauded — as though the announcement of our spiritual degradation were a cause for pride! But the Harding-Coolidge era at least made it plain that unless the commercial empires within our democracy are transformed into industrial democracies, the actuality of a political democracy will disappear.

Against the autocratic control of industry only one effective opposition has been developed and maintained — the unions of wage-earners who have demanded a voice in the regulation of their wages and working conditions. Primarily these unions have sought, not to participate in, and to assume responsibility for, the control of industry, but merely to recapture a larger share of the gains produced. But the pressure of reality has forced even the more simple-minded leaders to extend their program. To assert the employer's responsibility to his employes, to demand adequate pay and decent working conditions, was a simple and appealing cry for justice when thousands of employers were competing for customers and for workers. But when the united employes of an industry are dealing with the united em-

ployers the problem is more complex. What is just and fair is less easily defined as competitive standards fade.

Perhaps this wholesale crippling of minds and bodies helped turn the tide to Prosperity — Perhaps!

In 1921 the United States Railroad Labor Board reduced wages of 1,750,000 employes over $300,000,000. The board claimed that the railroads were in desperate financial straits. (This was not accurate; but many of them were in bad condition.) The next year over a million em-

ployes were reduced to the same extent again — a staggering loss in a two years' period. The shopmen's strike of 400,000 men resulted. The following year was one of the most prosperous years in railroad history. Thus a spotlight was thrown upon a great issue in political-economic-social policy. Perhaps it was necessary to have huge cuts in wages, widespread suffering imposed on millions, a vast increase of impoverished homes, undernourished and underprotected men, women and children. Perhaps this wholesale crippling of minds and bodies helped turn the tide to "prosperity" — perhaps!

It seems more reasonable to conclude from subsequent events that the wage reductions of 1921 and 1922 were ghastly blunders. A little more faith in the future (which might have been expressed in "credit inflation"), and a little less fear of money striking (which was expressed in "labor deflation") would have warranted a public policy of maintaining the human standard and not debasing the currency of a day's labor. In any event, organized railway labor was convinced that a governmental machinery had been created to enforce a short-sighted, selfish employer policy and that the first step in reversing that

policy was to destroy that governmental machine. So the Railroad Labor Board was abolished.

The present law requires representatives of railroad employers and employes to confer and to "make every reasonable effort" to agree upon wages and working conditions and to settle their disputes. If they are unable to agree, government mediators may be called in to help bring about an agreement. But the mediators cannot issue orders to anyone. If conference and mediation fail, and the parties agree to arbitrate, the government will provide the arbitration machinery. The Board of Mediation will appoint neutral arbitrators and an award will be enforced in the federal courts. The absence of strong-arm methods in this law created much skepticism in Congress. When the provisions were being explained one senator referred to mediation as some more of the "rose-water" process. Members of both houses were curious to learn how we expected to settle disagreements without invoking force and compulsion against somebody, sometime.

It was patiently explained over and over again that we had been trying to solve labor issues by

force for many centuries, without conspicuous success. Employer force, employe force, political force, had all been tried. We were now seeking to equalize the pressures of all three — so that no one could give orders — but any two could unite to resist the unfair demands of the third — and yet not have the power to impose unfair demands upon the third. We explained that arbitration was not the ideal method of getting an agreement — as that would mean turning the task of employer and employe over to a third party to perform. Arbitration was a temporary expedient — and so was mediation. "Self-government in industry" was the real aim — not political government.

That phrase, which I first used with some care, proved a common denominator of peculiar value. Railroad managers who resented "outside interference" from public officials, or labor unions, were strong for self-government. Congressmen, wearied of many futile efforts at public regulation of business operations, welcomed the desire of an industry to regulate itself. Labor organizations, traditionally supporting the right of self-organization and collective bargaining and nursing the wounds inflicted by governmental orders, were

seeking first of all freedom from private or public coercion. "Self-government" sounded good to them.

Indeed the beginning and the end of the labor movement, the motive and the goal of the strong-minded individualist in commerce, the inspiration and stated object of our republic, is "self-government." The pitiful thing is that so often in our desire for self-government — for individual freedom of action — we forget that the fellow whose desires interfere with ours is seeking for himself the same right of self-expression which we are assured is our own birthright. It is so easy to forget that self-government demands that we hold ourselves back, perhaps more often than we push ourselves forward; and that our freedom to climb upon the backs of others implies their equal freedom to clamber up our vertebrae. But there is always the happy possibility of getting agreement upon an abstract principle among men struggling with concrete competitive interests. So we all preached "self-government in industry" and supported the Railway Labor Act.

General Atterbury, of the Pennsylvania Railroad, for years one of the "black devils" of the unions and the "white hope" of anti-union em-

ployers, told the Senate committee on January 14, 1926 — with obvious enjoyment of a new sensation — that this "is an epoch making occasion. Never before have I been before a committee of the Senate or of the House that I have not been in opposition on any labor question with those of our employes with whom I have had to live. Today we come to you with an agreed-upon program."

Since the passage of this law a large part of my time has been engaged in trying to make it work. I have watched the settlement of literally thousands of minor disputes through conferences. Several hundred major cases have been settled through conference, mediation or arbitration. A few serious strikes have been threatened but none has taken place. Much can be said from different viewpoints about the good and bad results of the law. Its obligations have been both scrupulously observed and flagrantly violated. Those who believe in a law or a principle work with it. Those disbelieving, work against it.

From the public standpoint, it will be conceded that peaceful, continuous, efficient service has been given by a fairly well-satisfied operating force. On the other hand, it will be argued that

wage increases have been the rule; that this should satisfy the employes, but that rates can't be reduced with increased operating expenses and that a period of static or reduced wages may prove the law a failure. Against this argument, friends of the law may point out, first, that a general rise in the level of railway wages was imperatively needed to undo the mischief of mistaken wage-reductions and to give these workers a standard of living appropriate to the social value of their work. Second, it has been proved persistently that wage-earners recognize and accept static wages in economic pauses or depressions, because diminishing employment induces more anxiety to retain jobs than to get increased pay. Third, there should be no need for wage-reductions in any essential, progressive industry. It will be time enough to meet the problems of a decadent, less essential transportation industry when we observe indications of a drastic change in present economic conditions. These are not the problems of the immediate future.

The present semi-legalized method of solving the labor problems of the steam railroads may be retained or discarded. Certainly, if retained, it will be improved. But its greatest importance

as a social experiment lies in the principles and theories which induced the undertaking. Here we find employers and employes engaged in a deliberate effort to democratize industry — to try the process of "self-government." This effort should not be confused with any programs for "socializing" industry. There is no endeavor here to determine the responsibility of an industry to society — except to meet the responsibility of owners and operators to insure the continuous, efficient production of necessary services. But primarily the effort is to eliminate the waste of conflict and to promote the economies of cooperation in the work of an industrial machine wherein the brains, muscles and properties of several million individuals are utilized and coordinated.

At a time when the tendency in political government is distinctly away from democracy and in the direction of autocracy, it is deeply significant that a contra-tendency in industrial government should be decisively shown in one of the most essential industries. And in this industry autocratic control has been able to offer some specially persuasive arguments and has had a long, comparatively unhampered opportunity to

prove its merits. But as railroad kingdoms grew into empires, not only was arbitrary authority challenged more vigorously, but it demonstrated an increasing incapacity to fulfill its responsibility. The rulers of the roads have developed as men with a gift for human leadership. The slave-drivers have conspicuously failed.

The course of the labor movement on the railroads has had equal significance. The most powerful and responsible labor organizations in the country are found here. They are democratically organized and operated, exhibiting all the weaknesses — and also the abiding strength — of a self-disciplined community that actually governs itself.

If self-government expands in the railroad industry and proves its worth, the example may develop a similar force in other industries. "I hope the day will come when these great business organizations will truly belong to the men who are giving their lives and their efforts to them, I care not in what capacity. Then they will use capital truly as a tool and they will all be interested to the highest economic advantage. Then we shall have no hired men." Thus spoke recently Owen D. Young, chairman of the General

Electric Company — a "practical man," who is also able to think.

In such a day there might grow, out of our present spreading commercial empires, a group of industrial republics within our national boundaries, which would so dominate our politics that democratic government might have a new birth in state and nation. In this event the program of putting "more business in government" might actually come to mean something honorable — not increased commercial control of government for private purposes — but increased reliance upon principles of self-government that had been found essential to maintain the health of private industry. Of course, this is only a "theory" of what might come to pass. There may be scant justification for believing that it will be the development of our industrial-political system. But such "half-glimpséd turrets" do appear to the eyes of eager watchers when the mists that hover over the future of America are shaken by the trumpeting of an ideal that might well come from the "hid battlements of eternity."

VII

NEW CAPTAINS AND OLD DREAMS

WE MUST GO FORWARD TO SOMETHING

VII

NEW CAPTAINS AND OLD DREAMS

It is now two years since I began deliberately to review the pageant of my generation. Out of dusty boxes have been gathered faded letters and yellow clippings, pictures and programs and pamphlets that stirred memories. And from these memories, as from the smoke of burning leaves in autumn and the odor of warm earth in spring, have come reminders that life moves on through endless repetitions. "As it was it ever shall be" — and yet in another view it will never be the same again.

Personalities and events that were confusing and irrational when we were plodding along in the dust of busy days become more orderly parts of a procession of events as they pass my solitary reviewing stand. Perhaps I have marshaled them to fit into my own scheme of things. But I have tried, so far as I could, to let them arrange themselves, so that from the parade of yesterdays one might catch a vision of the marching morrows. Nor have I sought to debase the captains and the

kings to common clay by recalling petty, homely details of their lives and work; but only to produce a pageant of real men and women — not a procession of heavenly bodies. There is falsity in the view that is too intimate or too remote. As Gerald Massey put it:

To those who walk beside them, great men seem
Mere common earth; but distance makes them
stars.

It is of little importance to record that Roosevelt was deaf in one ear and blind in one eye, or that LaFollette wore spats; but it is important to understand how and why each man disliked and distrusted the other; which requires a microscopic analysis of common earth. After which a telescope should be employed to view the ideals that shot upward from the clay and still shine in our national firmament. And likewise unimportant are the peccadillos and peculations of Harding's Ohio gang. But it is of great importance to note that triumphant materialism, having sworn allegiance to national prohibition, promptly drank itself to death, leaving many interesting studies for the microscope but nothing to be seen through the telescope.

However, let us appraise justly the merits of the commercial-minded rulers of our day. It is not my conclusion from a long and intimate experience with those who govern us in legislatures, in executive offices, in the courts and in the private councils of social and industrial leadership, that our influential citizens are lacking in brains or energy. On the contrary, the ability to do what one wishes to do is exhibited on every hand. Commercial and financial leaders have driven ahead with resistless power to develop and exploit our natural resources. They have created huge organizations for mass production and distribution, despite the natural fears of millions of common folk that these superhuman corporate personalities would enslave the individual. They have improved the production and distribution of almost everything except law and justice.

These great material undertakings have been carried on with intricate and resourceful skill. An enormous amount of hard thinking has been evidenced in planning how things *can* be done. The point of criticism, however, at which I have arrived is that there has been a woeful scarcity of hard thinking in planning what things *should* be done — based of course on hard thinking as to

why these things should be done. It seems more evident every day that some of this sort of planning and thinking has become essential — and therefore it is reasonable to assume that the next generation of "progressives" will undertake the beginning of this task.

Not so long ago I talked with a confidential associate of Samuel Insull. Despite the unpleasantness of my personal relations with that man, I expressed an appreciation of his terrific capacity to build, to expand and to operate public utilities. "But," I said, "the sort of thing he does, as in the Frank L. Smith case, the corrupting of government, the destruction of faith in ourselves and our fellowmen — that's what I can't understand. What is the use putting electric lights into a million homes if it only enables more people to read about more crimes? What is the use of this material progress if you degrade the mental and moral standards of the people in the process? How can a man who has a brain think it worth while to corrupt our morals in order to light our homes? It seems to me that Insull really believes he is a misunderstood public servant, that he isn't just trying to make money or even to grab power, that he wants to be regarded as a great

man, as a public benefactor. But how can he justify the means he uses?"

"You don't understand him," said my friend — and I nodded. "Insull doesn't ask 'Why?' He doesn't speculate about the future. He isn't looking all around him to see everything that is going on. He has his eyes fixed on the job in front of him. He sees that plant which he is going to build, that will produce so many kilowatt hours. He is going to build it and get the machinery going smoothly and then go on to the next job. He knows that this job ought to be done. He sees the one way it can be done and he goes that way. He doesn't ask 'Why?'"

When I walked out of that office I felt that I had found an answer to a question I had been asking for many years. We have had, let us say, fifty years of control by the men who don't ask "Why?" They have been deciding what we should do and how to do it. In the era of Roosevelt progressivism we began to question the methods rather than the job. The "pursuit of happiness" after the American Revolution was defined generally as the pursuit of material well-being. The spiritual goal of life was determined by one's church. Freedom in religious views was

assured by law. If the curse of poverty could be lifted from a whole people, if individual freedom and a comfortable life could be assured, it seemed that America would lead the world in the pursuit of happiness.

With this tradition behind us the period of industrial expansion developed, with only one serious evil apparent — the unfair sharing of the burdens and the rewards. Progressives believed that we must "pass prosperity around" — and that we must produce it with "social justice." We were not seeking a social goal — not a community existence — but a better individual life. Therefore "social justice" did not require us to ask, "Why should we produce 20,000,000 automobiles?" The question was, "How shall we produce them?" And the progressives of my generation answered stoutly: "By well-paid workers, able to raise healthy children and properly insured against the hazards of accident, disease and old age."

But it is entirely possible that a new generation of New Yorkers, for example, observing streets so congested with individual cars that automobile transportation is frequently slower than walking, will ask: "Why do we want any more automobiles

on the island of Manhattan?" It is significant that in recent years a number of people have been asking: "Why do we have so many coal mines?" and "Why do we produce more coal and oil than we can use?" The very radical idea has been gaining acceptance, even in conservative quarters, that the social interest in the consumer is greater than in the producer; that the opportunity to buy what you want to buy may be more important than the opportunity to sell what you want to sell.

Our political programs have always been founded on assumptions of common purposes. Unfortunately, purposes that were once common, but are no longer, remain embedded in political theory as the assumed basis of common action. That causes the antagonism evident at present between social control and individual desires. As a result of this conflict we have today little sense of direction in our national life. In three national campaigns since the World War we have heard little of anything except programs for standing still (called "maintaining prosperity") or going back (to Hamiltonian normalcy or Jeffersonian democracy). But we all know that we must go forward to something; and we all

feel that we are going forward — since even our newer vices appear vigorous rather than decadent.

It seems inevitable that a group leadership will develop which will proclaim a definite purpose for social organization with an appropriate program, which must create in turn an opposition of equally positive convictions. To prophesy the character of this new leadership, or the social class from which it may arise, is to leave the fireside chair of reminiscence and to stand shivering under the mocking stars, seeking to point out that North Star that always has been so difficult for me to locate. Yet there seems little use in reviewing the past that none can live again, except in the search for guidance toward that future wherein everyone must live. And so I venture to suggest that — against a leadership of traders, pawn-brokers and slave-drivers who have sought the mastery of the world for the witless purpose of squeezing more money out of more men, another leadership has been quietly but relentlessly coming on.

During some thirty years I have had long and intimate contacts with many men who combined a deep love of purely scientific research with a keen interest in the use of extended knowledge

to increase common happiness. Perhaps it is significant of the change in "academic" ideals that the mottoes of old Harvard and Yale are respectively "Truth" and "Light and Truth" (which are rather abstract concepts), while the motto of the young University of Chicago is: "Let knowledge be increased that life may be enriched."

In college days, Frederick Starr aroused such interest in anthropology that, although neglectful of many other opportunities, I took advanced courses in this field. Here was a man who spent years actually living in Japan, Mexico and less "civilized" parts of the world, wearing the clothes, eating the food, doing the daily work, adopting the customs of the people whom he sought to understand and to interpret to an "Anglo-Saxon civilization." Acquaintance with this scholar and his work developed an early antipathy to that common encrusting of the mind which comes from an unthinking acceptance of one's own environment as the most reasonable or "highest" form of human society.

Work in the physics laboratories within the pervading influence of Michelson and Millikan (and the less conspicuous but much loved Henry

Gale), studies in psychology and ethics illuminated by Tufts and Angell, frequent association through student activities with the dynamic President Harper, sowed seeds in a careless, but inquisitive young mind that sprouted long years after my patient preceptors had undoubtedly lost hope of any vegetation.

Further stimulation came at Harvard. In addition to direct seeding from such legal philosophers as Ames, Gray, Smith, Beale and Williston, I found myself, through a roommate who had taken honors in philosophy, being mentally fertilized with sprayings from the thoughts of Royce, James, Santayana and Münsterberg. For ten years after my return to Chicago, I lived almost as though a member of the university faculty, my social life centering in the Faculty Club.

It was enlightening to a man who worked in "the City" to contrast the discussion of social problems in the down town lunch clubs with the analysis of similar issues at a professor's dinner-table. The "rule of thumb" men were driving ahead with bold self-assurance. The men who weighed and measured all things with instruments of precision moved cautiously to tentative conclusions. Failure and meekness and hesitation

amused one group. But success and pride and certainty aroused ironic comment in the other. The alchemy of business leaders in converting raw materials and crude human desires into gold inspired a distrustful respect in academic circles, which had its counterpart in the distrustful respect with which business men examined the "theoretical" observations and "impractical" products of the "academicians." The economists revered the practical wisdom of financiers and the political scientists listened eagerly to professional politicians. On the other hand, the technical advisers of business enterprise carried their problems with due humility to the university physicists and chemists. But those who studied man individually or socially in the university — the teachers in what are now called the "social sciences" — had little standing in the world of practical affairs years ago when I first began speculating about the political leadership of the future. And they have no great standing there today.

Apparently the social sciences have a long road to travel to a place of authority comparable with that achieved by the natural sciences in their rapid progress of the last four hundred years

(of which the first three hundred and fifty were the hardest!). Yet in the collaboration of natural science and social science there seems to lie the clearest hope that political progress toward an idealistic, responsible leadership may succeed the recent retrogression toward a cynical, irresponsible direction of social forces.

In some distant day a wise critic may epitomize the political follies of my generation in the story of "Merriam and Chicago." It is worthy of a massive volume. Here was a man of exceptional capacity and training for public service — now generally recognized as a major political scientist. While teaching in the university he was elected an alderman, and rapidly rose into supreme leadership in municipal affairs. His campaign as republican nominee for mayor, after the rout of all the old line republican bosses, inspired an outpouring of public spirit without parallel in municipal politics. The really "best" elements throughout the city were with him solidly — the younger captains of business, the ablest labor leaders, the outstanding professional men, the progressive bankers, the great majority of hard-working, clean-living citizens who had brains enough to think for themselves.

But the men "who knew what they wanted," the men who made money out of control of government, the political bosses and their masters, the public utility operators, the "business men" who thrived on protection and privilege and law evasion, in the stockyards, the big stores, the breweries, and in the underworld that clamors through "respectable" sponsors for a wide-open town — they were solidly against a "reformer," a "professor," a "radical." They were solidly against any man who knew how a city ought to be run, and had demonstrated his practical ability by exposing graft, by destroying the power of crooks and by constructive legislation. An ordinary reform administration would be bad enough in their eyes. But a reform administration with courage and brains and practical wisdom would be intolerable!

In this campaign I was one of a small board of strategy that knew what was really happening. Just before the end of the campaign a client came to me as spokesman for the brewers, asking my personal assurance that the man to be named for one office would be acceptable to them. In exchange for this pledge he would promise that

the beer wagon drivers would "pass the word" on the day before election to all saloon-keepers (most of whom were mortgaged to the brewers) that Merriam was to be elected.

The beer wagon drivers would pass the word

"I can't promise," I answered, "because I can't deliver. Will you go to see Merriam with me?"

"No," he said, "he won't give us a promise. But if you give me your word I'll look to you to make good."

"You know I wouldn't promise unless I felt sure I could make good," I said with a smile. "I think you are safe and that the kind of a man you are afraid of won't be named. But nobody can deliver Merriam and I won't pretend I can."

"We can get what we want," he replied, "from the other side. But I want to help Merriam, if I can be sure to protect our legal rights."

"Give us an even break," I suggested.

"I'll do what I can," he said dubiously.

After the election, which was lost by a few thousand votes, I told Merriam of this interview.

"Why didn't you promise him?" he asked, with a quizzical look.

"You know very well why I didn't," was my answer; "and besides I'm not so sure the word would have been passed. They may have been just casting an anchor to the windward. It looked as though you would win anyway."

"Probably that was it," he assented.

But the powers that be were not content with Merriam's defeat as mayor. They kept hammering away at his ward until they actually defeated, as alderman from a "silk stocking" ward, this extraordinarily able, efficient, proved public

servant. And the next day the president of the gas company publicly stated his satisfaction with the result! Yet those who criticize the control of government by public utility operators, and by the guardians of other special interests, are called "radicals!"

It is true that the social scientists disagree with one another over their theories and definitions and principles and such "laws" as may be tentatively discussed. But such conflicts of opinion are inevitable in intelligent analysis of any forces in a world composed of, and bounded by, the unknown. I have sought to learn from Michelson something of his agreement and disagreement with Einstein; and developed a headache as the principal proof of cerebration. But though Einstein question Newton and Michelson question Einstein, do we reject them all or, if we need to know the speed of light, are we apt to rely upon Michelson's latest measurement?

It is probable that if an epidemic of menacing proportions should begin the destruction of thousands of lives in Chicago, some of my old friends in the medical faculties and research laboratories would be asked to aid a politics-cursed health department; and for a time several million people

would take orders from obscure Dr. Alpha and humble Professor Omega. But when (even now, as I am writing) crime and corruption have destroyed the security of life and property and rotted the moral fiber of the community, there is no loud demand that men like Merriam and women like Jane Addams analyze this social disease and prescribe a remedy. Instead, a civic committee is formed of the business executives, bankers and lawyers whose short-sighted methods of making money, whose self-interested uses of public power for private profit, have created and maintained the political system which they are now assembled to reform.

My thoughts go back to a solemn farce enacted by the Public Utilities Commission after the close of the war. In order to determine to what extent larger earnings should be allowed to the public utilities, because of prevailing high interest rates, an impressive group of bankers had been summoned before the commission. One by one they testified that higher rates were necessary, that money could not be obtained except at higher rates.

Then, being given the privilege of making a statement as an official representative of the City

Council (the Bill Thompson-Samuel Insull administration being discreetly silent) I suggested that, since the profits of bankers came out of lending money, it might be well to call in a few less biased witnesses. Undoubtedly these men knew what they were talking about; but it was strange that the rates they paid for savings deposits had not been advanced from the long standing three per cent, in view of their testimony that money could not be obtained for even safe investment for less than eight or nine per cent. It was my thought that perhaps professors of political economy, authorities on finance in the universities, might be called to testify as to whether public policy should encourage higher or lower interest rates. Again, I suggested that labor leaders might be brought in to testify concerning wages and cost of living and unemployment; that social workers might also advise whether the low-income groups could afford to pay increased charges for public service out of current wages.

Members of the commission displayed considerable interest in these remarks. Newspaper men demanded complete copies of my prepared statement and assured me it was "hot stuff."

Then the descendant of Paul Revere's companion galloped into the scene to warn the country that the red-coats were on the march again. General Dawes hurried over from his bank and read the riot act to the tremulous guardians of public interests. And as he roared his admonitions and lashed all mischievous politicians who tried to interfere with the divinely ordained exploitation of the foolish many by the wise few, a friendly reporter slipped over to me and whispered: "There goes your story. This Dawes stuff will take all the space and kill the other. That's what it's for." So it happened that no further evidence was received and the commission was able to raise rates without the impediment of any impartial, scientific testimony whatsoever in the record.

No community is so stupid that it would select a merchant, banker, clergyman, or plasterer — a butcher, baker or candlestick-maker — and authorize him to go into the community powerhouse and push buttons and throw switches according to his "common sense," or according to the "divine revelation" of a book on light and heat written a thousand years before the discovery of electricity. If any one of these persons, not

having even a rudimentary knowledge of electrical phenomena or machinery, should proclaim to an ordinarily dull audience that he could operate the power-house more efficiently than the engineer in charge, he would probably be laughed at. In an alert community he might even be put under observation in a psychopathic hospital. As men come to realize more and more the individual and social danger that lies in permitting the ignorant to meddle with scientific problems, they must come to rely more and more upon scientific advice and to insist more and more vehemently upon receiving the advice of incorruptible searchers for truth — and upon declining the advice either of the untrained, or of the dishonorable who sell their scientific training in the service of dull-minded greed.

The men who know must run the show. Already we recognize that the physical mechanisms of the modern world must be constructed and operated by men who know how to construct and operate them. To some extent even the decisions as to where, how and when to utilize these physical mechanisms are being made by men of special competence. And so in every field of industrial, political or social activity, there is developing a

managing class which stands between money and muscle. This managing class of scientifically trained workers is largely the product of a smaller class of pure scientists who have instructed them and whose authority they respect. Many of the scientifically trained money-makers enjoy playing the game more than making money. Some are men of real intelligence. Together with the master scientists they are capable of creating, and inevitably must create, new social ideas. To protect the interests of their class they must create a moral code that will have behind it the substantial authority that underlies any generally accepted moral code, the authority of a group that possesses the knowledge upon which men without knowledge, but needing guidance, must rely; and that has the vision upon which men without vision, but needing inspiration, must rely. This moral code must contain the principle of *noblesse oblige* — that forbids men really inspired by noble purposes to descend to ignoble means.

In ancient days, thinking men were apt to be mystical. Out of much thinking and few facts they produced moral codes and articles of faith. They postulated a crude and cruel human life in a "vale of tears" as the prelude to a better life

Beyond. Unable to justify life for its own sake, they placed it in the Great Scheme of Things as a preliminary stage, the travail out of which would be born super-life. They fortified their dreams with claims of supernatural powers, divine revelations. They told the children of the world fairy stories to make them good.

The world has dreamed these dreams and been content — until the awakening dawn of science has revealed gorgeous and terrifying realities, to those who are a little intelligent.

The old dreams retain some of their beauty and power, but these stupendous realities demand also reverent understanding. The real airplane stimulates thought more than the unreal magic carpet. The real radio, translating the invisible and inaudible something in the air round us into the music of an orchestra playing a thousand miles away, is more inspiring than "angel voices" that are never heard. The accents of men long dead sound in our ears and they walk before us through the sunshine and shadows of bygone days. More complete resurrection becomes conceivable. The old mysteries of the Unknown recede and new mysteries beckon, as brave and eager spirits dare death and challenge doubt — and reveal, destroy

and utilize the mighty powers of matter invisible to the naked eye. Here is the search for ultimate authority, for the meaning and purpose of life, for the Will of God, beside which the speculations and hallucinations of the devout and learned of ancient days seem like the futile gropings of a baby in its cradle.

Out of this ever-inviting, never-ending research of scientific minds, are coming the fundamental articles of a vital faith — a faith in the divinity of life, a faith in a spiritual product of living, to obtain which all the material products have value only as means to an immaterial end. Out of revealed facts, out of the discovery of natural laws that mankind can neither make nor break, are now being written the first chapters of a Guide to Happiness in which we may put our trust. This does not mean that there is no need for pure faith; no need for reassuring visions of what lies beyond the known. There is a need, deep in the human heart, of everlasting hope, of consolation in whatever sorrow, and of compensation for whatever pain. But as intelligent men seek an authority they can respect, unchanging, inevitable, irresistible, so they seek also a faith they can respect. They must project their imag-

inations into a world that may come to pass, into a world that *would* be a better world.

Whatever comfort men who think may seek to find in the developments of this century, with the biggest, most insane war in history, with its shocking exhibitions of the irresponsibility and incompetence of its social leadership (before and during and since the war), must lie in the reasonable hope that these leaders will soon pass on and that their successors may come from that group which thus far in the world's history has shown consistently the greatest capacity to understand and to fulfill the responsibilities of leadership. This is the group of those who have a hunger for knowledge and truth.

This group has steadily increased the authority of brains, despite the abuse and ridicule of authoritative muscle and fat. It has steadily diminished the power of force and fraud to rule, by steadily increasing its own power to serve. It has remade and enlarged the world with every generation, although muscle and fat have taken most of the credit for the job. The persistent growth of the numbers and the authority of this group is the most inspiring phenomenon of human existence; and if today we were on the verge

of the transfer of social leadership by common consent to this group, we might reasonably believe that we were on the verge of a spiritual development as marvelous as the material development of the world in the last hundred years.

Probably we are not on the verge of any such

Another leadership has been relentlessly coming on

transfer of leadership. It would seem too sudden and too great a growth in the mental stature and social efficiency of man; whereas evolution is a slow and gradual process. Yet we may reasonably believe that in a few decades, or centuries,

or in a few thousand years, there will be a world wherein the authority of members of the governing class will rest upon their knowledge and use of natural laws in creating social controls that cannot be profitably evaded, or modified, or held unconstitutional; and that will operate equitably upon all persons and at all times. We may feel that we are living on the threshold of such a world; and we may reasonably hope that if we knock, the door will be opened unto us; although an æon may pass before those who see what lies beyond will be able to lead mankind across the threshold.

VIII
THE LONG ROAD UP

VIII

THE LONG ROAD UP

"Explain all that," said the Mock Turtle.

"No, no! The adventures first," said the Gryphon in an impatient tone. "Explanations take such a dreadful time."

Alice in Wonderland

The editor-Gryphon who told me to write this book has had his way — "adventures first" — but the Mock Turtle is entitled to an explanation. Devotees of the immortal Alice will remember that the Mock Turtle was once a real Turtle and "had the best of educations," which included "Reeling and Writhing . . . and then the different branches of Arithmetic — Ambition, Distraction, Uglification and Derision." And so, during this skipping narrative of political adventures I have been conscious of the probable comments of many a well-educated and disillusioned Mock Turtle, whose life has progressed from Ambition through Distraction and Uglification to Derision.

"What is the use of repeating all that stuff?" the Mock Turtle interrupted, "if you don't explain it as you go on?"

A more modern Mock Turtle would probably put it this way: What is the big idea? Politics doesn't seem to play an important part in the lives of most people. How much are they concerned with a search for political progress? Have not Edison and Ford affected the common life much more profoundly than Roosevelt and Wilson?

Again Alice in Wonderland provides a text: "Tut, tut, child," said the Duchess. "Everything's got a moral, if only you can find it." An outstanding fact in the world today is that our machinery of social cooperation has not kept pace with increasing opportunities for human experience. Individual life has not been enriched to an extent reasonably comparable with the increased knowledge and wealth available for common use.

The "trust-busting" efforts of LaFollette, Bryan, Roosevelt and Wilson were intended to protect the freedom of the individual, to prevent huge private monopolies from ruling our lives, determining what we should produce, how

much money we should make and what prices we should pay for necessities. And all through these years the "trusts" increased their power and big business grew bigger until billion dollar combinations came to control the heat, light, power, food, shelter and transportation of a hundred million people. Can we find the moral of that?

Does the record of my generation prove that political direction of the general welfare is an illusion? Does it show that social cooperation is principally a by-product of all-conquering commerce? Are the real organizers of society those who organize the production and exchange of goods and services? Should political government merely reflect the wishes of these commercial giants, the natural autocrats who will determine human destiny, regardless of the futile preaching and plotting of romantic men and women who idealize the future of mankind?

These are live questions for which the oncoming generations must find answers. The world leadership of the Harding-Coolidge-Mussolini-Lenin-Baldwin era emphatically rejected the idealism of the "progressive" school of political action. Whether the State should rule com-

merce (as in Russia) or commerce should rule the State (as in America), the commercial State became a fact. The idealized State, whether to serve the King, or the Church, or the People, appeared to have run its course. Sovereignty, by right of purchase, became clothed in righteousness.

Perhaps we have entered upon a new era of human relations. If so, it is well that it should be recognized. Perhaps war-weary humanity has merely lost for a while the spiritual power to deny the flesh its never ending demand for gluttony and death. Whatever may be the conclusion of our inquiry it does seem a bit worth while to review the extraordinary change in political control that has come about in twenty-five years in the United States, and also to realize its profound effect upon the individual life of every man, woman and child in the nation. The drastic changes in private life that may be brought about very quickly through political action may be shown by one recent example.

After Theodore Roosevelt had made his "confession of faith" to the Progressive National Convention of 1912 he rather recklessly invited questions, promising to make clear his position

on any matter not clearly understood. Several questions were shouted from the floor and carefully answered. Then came a shrill cry from far away. The Colonel cupped his hand around his one good ear and shouted: "What was that?" In a sudden silence the shrill voice shrieked again: "What about the liquor question?" Whereupon the wearied confessor lost his temper and barked out: "Oh, go back to the kindergarten!"

Apparently the prohibition forces took T. R.'s advice. They started a "campaign of education" from the cradle to the grave. They studied the history of government. They analyzed the realistic methods whereby small persistent groups organize the emotions, fears and self-interests of others until they are able to make their wishes the law of the land. And they carried the liquor question from Roosevelt's kindergarten into the Constitution of the United States inside seven years. So I think the Colonel's advice can be wisely followed by any group of "reformers" who find themselves footsore, weary and discouraged, sternly excluded from the tents of the mighty after they have traveled a long way to seek a champion for a "noble experiment." Let them go back to the kindergarten and learn how

men become powerful, how governments are controlled and how laws are made.

If national prohibition had been brought about in the United States through a mass appeal to the idealists to advance the general welfare, it might appear that we were nearer the idealized State today than in 1912. But in fact prohibition was brought about through the very able use of the same means whereby special legislation for commercial interests has been produced in increasing quantities in recent years. This statement is no reflection on Wayne B. Wheeler and his zealous colleagues, but merely a reference to his own story of the means whereby they achieved their ends.

In other words, we have seen a project that for generations gained no ground as a political idealism carried through to victory in a few years by business men operating the machinery of government by purchase. It may well be urged that since nation-wide prosperity is essential to the success of national business leaders, a business control of government would promote generally a rising standard of living. The guidance of manufacturers and bankers, desiring to cultivate a sober, industrious, thrifty citizenship may

lead us, not only to stop drinking intoxicating liquors, but also to cease consuming tobacco and candy and pastries.

Eventually they may cut our lawful consumption of meat and gasoline and chewing gum and cosmetics down to a more temperate quantity. They may substitute individual gymnastics for baseball games, prize fights, races and similar second hand methods of enjoying athletic exercises. They may even provide us with nutritious food, durable clothing, well-built homes and educative entertainment, in place of the prevailing shoddy products. It is entirely possible to assume that the business leadership of the future may accept more and more of a parental responsibility toward the population which it governs, and proceed to lengthen the average life and to increase its physical comfort.

Yet even this noble prospect has unhappy possibilities. Everywhere we observe that mere physical well-being does not satisfy the human animal. The unreasonable appetites and desires of childhood persist into maturity. We find men and women perversely doing all kinds of things which they know are unwise, largely because they were not allowed to do them as children. Even

under the beneficent political rule whereby intoxicating liquors have become very expensive and of poor quality, we find millions of people wasting their money and injuring their health by indulging in forbidden fruit juices. Perhaps science may yet be called upon to aid the commercial State to control its citizenship by mandatory operations upon the glands of law-breakers which will convert them into at least docile, even if less interesting, neighbors.

Thus, observing the complexities of modern life and the general incompetence of specialists outside their limited field of work, I come to the conclusion that whatever politicians are selected for ostensible control of government, they may yet be forced by public opinion to seek the guidance of men who are able to get the facts and are determined to declare them; who have neither a creed nor a profit to maintain by falsehood or concealment. If chambers of commerce, manufacturers and merchants associations are to name the office holders, they might pledge their candidates to obtain scientific advice as to what we should do and why we should do it before they tell us what to do. If we are to be commanded by law to reach for cigarettes instead of for bon-

bons, let the lawmakers first be advised whether it is better to save the lungs or the stomach, or desirable to save both, or neither. And so long as reasonable doubt exists concerning what the law should be, let us hope that they will be willing to let nature take its course.

On the other hand, if the idealists propose higher income and inheritance taxes, let the lawmakers be advised, after careful research and scientific weightings of the averages, whether the community benefit is greater from building more roads, parks, sewers and other public works, in the wasteful manner typical of political operations, or from providing more motor cars, European trips and private golf courses for that "conspicuous waste," which is typical of the leisure class. Experimental periods of ten years might be announced, in which public institutions and private foundations might compete for the right to spend the surplus income of the community during the succeeding ten years. Thus public and private efficiency in expenditure could be stimulated.

These fantastic suggestions are presented, merely to indicate that the idea of scientific guidance of public affairs is not offered on the assump-

tion that any particular theory of government or program of social justice would thereby be advanced. Indeed it is my individual conviction, arising out of long participation in political struggles between "progressive" and "conservative" forces, that each group has been saved from speedy self-destruction in its days of power by the unrelenting opposition of the other. A triumphant majority always demonstrates its incompetence more quickly when the minority is too weak to slow up the exhibition. (Observe the process of "reconstruction" after the Civil War and the World War.)

But still the question arises: Granting that majorities and minorities of the past have counseled with error and been led by prejudice, granting that statesmen ought to learn the facts and then apply the laws of human conduct and social relations, who can state the facts and proclaim the laws? Social science is in its infancy. Its master minds have as yet found few laws. Their disagreements upon fundamental principles are so irreconcilable that if the authority of one is acknowledged, it seems that all the others must be held unworthy of public confidence. There appear to be some fairness and merit in this

criticism — until one reads again the history of the natural sciences. Then it is made clear that as the scientific method gains public confidence the achievements of scientific workers grow likewise in merit. Until men are willing to give the scientists free rein to theorize, experiment, prove and disprove, only meager results can be expected; and the difficulty of distinguishing between scientists and charlatans will persist. Until astronomy became respectable the astronomer and the astrologer could hardly be distinguished and the merits of their diverse counsels could be easily confused. And so today the "expert" adviser of modern governments may be scientist, fanatic, fool or knave. Until expert advice generally commands attention, it will be difficult to distinguish science from quackery and to appraise the merits of contesting scientific theories.

There is already a formidable amount of exact and serviceable knowledge available but unused in determining public policy. There is hardly an important question now being dragged through the mud of political controversy which could not be cleaned up and operated on with beneficial results by a scientific clinic. Consider the illumination resulting from applying the best

available information to almost any political issue in answer to these questions:

1. Why are we doing what we do?
2. Why should we do something else?
3. How are we doing what we do?
4. How can we do something else?
5. What is the result of doing what we are doing?
6. What will be the result of doing something else?

Apply these queries to the treatment of a crime — such as theft.

1. Do we punish for retaliation or prevention?
2. Would preventive punishments be more useful than retaliatory measures are?
3. Are we using mental or physical pain, or both, for punishment?
4. Can we use fear of pain for prevention; or other fears; or desires; or the removal of causes in enviroment or in the individual?

5. Are we now obtaining satisfactory security from theft, at a reasonable price?
6. Could we obtain more security at greater or less cost by other methods?

These are (or should be) very puzzling questions for the average voter or politician to answer. They have not been easy of scientific answer. Yet every one of them can be answered today with an authoritative assurance that damns the penal codes of these United States as survivals of medieval superstition, cruelty and ignorance.

Critics of scientific theory and method have always delighted to point out the gaps in scientific knowledge, the unexplored fields, the unknown areas, the mist-hidden spaces all around a little lighted spot. It should be conceded that exact information is always fragmentary. Yet out of a thousand such fragments can be built a fact — a thing that will work always exactly in the same way under the same conditions — something which can be made and used — something by which life can be enriched — and men of commerce can get rich!

Such a thing is the radio. Consider all the

scientific facts that were used in its construction — and also the wide margin of experimentation necessary to produce the early models and the continual improvements which have followed (to the delight of the manufacturers and the exasperation of their customers!). But imagine for a moment the scorn that would have been heaped on a political scientist who had sought to install a radio-like government in some City Hall! The squeaking and squawking of the first model would have been sufficient to cause a return to the "government of our fathers" at the next election, when the reformer's machine would have been hurled into the ash-can by a two-thirds majority of indignant citizens. Yet how are we ever going to get rid of the oil lamp, oil stove governments of our grandfathers, if we never let the political scientists experiment with electric light and power devices for improving social control and cooperation?

We need not expect to develop a trained class of supermen to rule the world. We need not expect through priestly scientists to hear the voice of God; or to receive our political commandments written on tables of stone with the finger of Omniscience. But we can reasonably expect to

find counselors for public service who have no self-interest great enough to overbalance their devotion to their life work of discovering truths. And we can reasonably expect from such counselors (as I suggested in my address at the dedication of the Harper Memorial Library) "that they may wisely separate belief from trust; that they may distinguish fact and assertion; that they may not mistake dullness for depth; that they may never become too learned to learn; that they may ever apply to the written word the touchstone of humanism; that their minds may not broaden only into shallow waters nor deepen only into narrow channels; that they may choose Faith as their guide and Service as their aim."

The stimulating effect of merely adopting a scientific attitude toward public service would be incalculable. The passion for truth and the desire to find heaven always produce results amazing to the materialist, to whom the supreme incentives are a passion for money and a desire to own the world. Those who operate public services for private profit — whether grafting politicians or business dictators — cannot be expected to foresee the common gain that would

be realized out of a government dominated by the scientific spirit. Yet, if they could be induced to read histories of the sixteenth century, when natural science and protestantism were struggling for the sanction of respectability, and to compare living conditions then and now, perhaps even they might begin to see by what forces the world has been transformed.

If those who now glorify the commercial State could be induced to study only the social history of western civilization in the last hundred years, they might learn that neither the soldiers, the money-lenders, the politicians, nor even the giant money-makers have been giving humanity its vast increase of power to control, produce and distribute things that satisfy and enlarge human desires. They might learn that the creators of the modern world have not been men who gave orders and sought to enforce them by threats and blows. Nor has this creative class tried to control the police power, or to use armies and navies to compel obedience to its commands. It has not sought to hypnotize weak minds with childish fears of a black abyss and unending torment, or with childish hopes of pink clouds and everlasting satiety. It has not required debasing political

campaigns, or religious orgies, or degrading wars, to endow it with power.

This genuinely "progressive" leadership of humanity today is composed of the men who understand the construction and operation of the intricate mechanisms and complicated chemical combinations out of which has been created in fifty years a new world. It is composed of men who know something about the sociology and biology which are essential to intelligent living in this new world — a world which the "belly-best" minds did not create, cannot analyze and do not understand. It is a world of extra-human powers and superhuman forces, discovered and made susceptible to human control (within our mental limitations) by the scientific servants of mankind who alone are competent to direct the utilization of such powers and forces. The World War and the years that followed offer ample proof that the vestigial leadership of the prosperity era is utterly incompetent to rule this new world — even though it has thus far concealed its lack of adequate knowledge or worthy purpose from the mob which it has led, and is still leading, politically, through disaster and deflation to Futility.

But, it may not be expected that men of sci-

entific training and intelligence will organize a clan or a union to deprive the present political and social leadership of its power or to nullify its authority. Nor is it likely that masses of humble folk will rise in rebellion against incompetence and demand leaders more worthy of their respect. Spontaneous mutinies of followers are not frequent in history. One governing class succeeds another. A worn-out social leadership is overthrown by a more vigorous one. So the incompetence of the present leadership gives only ground for hope that its successor may soon arise out of a better qualified class of society.

Against the rising authority of scientific leadership probably no group will fight longer and harder than the lawyers who have become more and more the chief protectors of the powers that be.

The profession of the law, being peculiarly unscientific in origin, growth and practice, will naturally continue to urge and to contrive that final authority in the state shall be reposed in the executors of dead generations instead of in their living heirs. It will be necessary for social scientists to destroy many venerated legal principles before a new scientific leadership can be

set free to enforce its moral code. In the meantime policemen's clubs will pound skulls that harbor strange ideas and the head of many a social scientist will be bloody if not bowed.

Yet legal precepts depend so much upon prevailing habits of mind that a little shift in opinion may undermine the foundations of a vast structure of law, and happily overwhelm the less agile lawyers in the ruins of their house of words and phrases. In the succinct language of Mr. Justice Holmes: "We do not realize how large a part of our law is open to reconsideration upon a slight change in the habit of the public mind."

Consider, for example, the legal conception of property. A certain absolute dominion over things which are needed for the maintenance and development of individual life, is essential to individual freedom. The elaborate safeguards for property rights provided in the Constitution of the United States were wise measures to secure the blessings of liberty — in the conditions of life in America in the eighteenth century. But the rights of property which must be upheld in order to maintain individual liberty depend upon the economic conditions which prevail — not upon any everlasting principle. If twenty families

owned all the land in America, freedom for a hundred million people could not be maintained under laws supporting our present rights of property. When the property rights of the few become destructive of the liberties of the many, these property rights must be modified. Even under our Constitution, interpreted by a conservative Supreme Court, this principle has been recognized in the sustaining of laws to regulate monopolies. Even laws regulating rents have been upheld in times of emergency.

Students of the law recognize, as a matter of theory, that there is no such thing as an absolute right of property, that "property" as a legal term means a "bundle of rights" which may be increased or diminished by the lawmakers according to the requirements of the general welfare. But, as a matter of practice, lawyers are wedded to the notion that the quantity of property which is possessed or controlled should not affect the rights of the owner or user. Against this fallacy the social scientists will be forced to wage relentless war. Democratic government cannot endure, individual liberty cannot be maintained, under laws whereby the political government, in order to protect property rights, must support an auto-

cratic control over the lives of the people and over the development of the physical resources of the nation by privately selected operators of vast properties.

Socialism demands the public selection of these property controllers, which would ratify the fundamental wrong of autocratic control, on the dubious theory that the social responsibility of the autocrats will thereby be increased. But socialism thus assures us of the end of individual liberty. We abandon the freedom of the small property owner in order to escape the tyranny of the large property owner. There is another means of escape that may be worthy of at least a trial.

As the quantity of property under individual control increases, the owner's social responsibility might be likewise increased as a matter of law. Public obligations might well be imposed in exact proportion to the public interest. The owner of an eighty-acre farm, or a little shop, may operate his property — may "run his business" — to suit himself. The public is chiefly interested in protecting this owner's individual freedom — in preserving the independence of his life that makes him a free and self-respecting citizen. But the

owner of eighty thousand acres has the power to give a thousand men employment and an opportunity to earn a living, or to deny them that opportunity, or to grant it only on oppressive terms. Is not the public more interested in opening up opportunities for freedom to a thousand men than in preserving the arbitrary freedom of one man? In like manner the operation of any great business involves the public interest, in the opportunities for the employment of thousands of men which provide them with the means of individual liberty, and in the opportunities for the satisfaction of community needs. Surely the community has a claim against the owners for a wholesome use of property rights which is at least as valid as the claim of the owners for a wholesome protection of their property rights by the community.

No simple formula of regulation will provide for the appropriate scientific determination of property rights in the public interest. No simple machinery of regulation will provide for the enforcement of the suggested public obligations. But the principle upon which property law suited to modern conditions must be based is fairly clear.

The absolute control of the individual over

his own property, which is held for personal use, should be preserved so far as there is no direct interference with the public health, safety and welfare. The control of an individual over the properties of others is already limited by law under the obligations which follow a trusteeship. In like manner, and supplementing such obligations, it may well be established that, when an individual owns or controls properties for general or public uses in such a quantity as to create a substantial public interest in the management, he should be held to the appropriate obligations of a trustee of this public interest.

At the present time, if public regulation is ordained by a legislative act, the courts will solemnly inquire: "Is this property affected with a public interest?" And then the courts (without even a wink to indicate a sense of the ridiculous) may solemnly declare that a business employing thousands of men and supplying articles of common use to millions of people is not "affected with a public interest." Of course, these judges only mean that in their opinion there is not enough public interest to justify public regulation — a question which in the future should be answered by those scientifically qualified with present day

knowledge, and not by moralists (on the bench or in the pulpit) who quote the ignorance of their ancestors in order to conceal their own.

Of course, while scientific leadership is exploding doubts in the public mind, and blasting its way through the prejudices which have been created by captains of industry and their lawyer lieutenants, it must combat another power that through all recorded history has claimed a monopoly right to reveal the truth. Against the patient and truly "God-fearing" man, who seeks guidance from a man-made lamp of knowledge, who is inspired by a real faith in the upward course of human destiny and an ennobling trust in the beneficence of creation, is ever raised the heavy hand and megaphonic voice of the rash, self-appointed spokesman of Eternal Truth. Centuries before the astronomer could unveil the heavens with a telescope and the geologist could uncover the messages of bygone ages engraved on the rocks, this reckless teacher told his slow-witted pupils just how and when the world was made. Centuries before it could be proved that Earth was a sphere floating in space, this spokesman assured mankind that its world was flat.

Through all the ages this spokesman has laid

down the law of the One Way whereby guidance through the perplexities of life might be obtained. An altar should be built which should be of stone, overlaid with pure gold; and from the altar must rise the smoke of burnt offerings and the fumes of incense; and in front of the altar must kneel an anointed spokesman clad in gorgeous raiment, and thus to be distinguished from a common man; and then in answer to prayers thus transmitted through the One Way Up, guidance would come through the One Way Down and the spokesman would deliver a tiny fragment of Eternal Truth — and no more could be obtained and none could be obtained in any other way.

And through all the centuries, notwithstanding the persistent opposition of all the professional spokesmen of Eternal Truth, men of scientific purpose have been seeking and finding truths in the bowels of earth and the breathless spaces of the sky, in the mountain avalanche and the dust on a butterfly's wing, in the procession of the planets and the movement of a microbe. The spokesmen have denounced and harassed the scientists and stifled them when they could; and the scientists have ignored the spokesmen or

brushed them aside or trampled over them, seeking to increase knowledge by whatever way was possible, but avoiding the One Way which was impossible; and so they have steadily advanced on the long road that really does lead up to truth.

It may be that intelligence is itself an illusion; that fact is evil and reality is the supreme deceit. But so long as intelligence produces more of the things that seem good to humanity and reduces the number of things that seem bad, intelligent persons will continue to assume a right and perhaps a duty to lead those of less mental experience or capacity. And they must usually regard certainties as stronger ropes than guesses, and facts as better building stones than fancies.

Intelligent men cannot actually believe that which they know to be untrue, or believe that truth can be reversed or overthrown by any power, or believe that the supernatural has no law, or that an after-world of chaos and whim would be an improvement upon a world of law. The vision of heaven as a superior nursery, in which infantile omnipotence smashes the toys which displease it, may have been natural in the cradle of humanity but it is a little beneath

the intelligence of boys and girls who are old enough to go to school, in the twentieth century.

In the babyhood of the world, when the unrestrained satisfaction of desire seemed the supremity of happiness, Deity would naturally appear as the Lawless Law Giver — source of all compulsions and subject to none. But when the greater majesty of Deity as Law Itself is revealed to the imaginative searcher for truth, the demand that he shall worship a Lawless Law Giver becomes a grotesque insult. To turn aside from the search for the Law of the world to bow down to deified lawlessness is not merely to be silly, but to repudiate one's real Faith and to assert: "I believe that which I am convinced must be untrue."

There is no conflict between science and a faith which comprehends trust in the Unknown. There is an inevitable conflict between science and a religion which comprehends belief in the Untrue. The scientist who aspires to be the voice of visible, irresistible authority should not seek at the same time to be the voice of invisible and resistible authority. The pseudo-scientist who drags the semblance of his God onto the platform to speak in behalf of the unauthorized command

of a political, religious, social or commerical organization, is an apostate priest, whose science is probably as badly adulterated as his religion. He will not lead us far, although he may be with us for a long, long time.

It seems evident from a review of the entrenched forces which must be overthrown before scientific counselors can be elevated to supreme authority in government, that no sudden change in political control, no rapid evolution from emotional democracy to intelligent democracy, is to be expected. A return to soldier control, or priest control, of the State (except as a brief episode) seems quite unlikely. They have been thoroughly tried and found wanting. But an increase in commercial control seems most probable before the materialist rulers (following the fighting idealists and the praying idealists) demonstrate in their turn their ultimate incompetence. Since one world war did not provide this demonstration, perhaps another, greater world war — or perhaps the suffocation of a world peace (maintained by the oppression of a world dictatorship) — may be needed to educate the masses of humanity to a new love for the truth that sets men free.

One conclusion alone comes to me with assurance after seeking to define and understand the forces which I have watched struggling for the mastery of men's minds and bodies. The test of a "progressive" in politics during the next generation seems clearly revealed. He who seeks to go forward in social relations, to improve the machinery and operation of government to an extent comparable with our recent progress in the development and control of physical things and powers, must counsel with the natural scientists who have created a new material world and with the social scientists who have shown some capacity for the creation of a new social world. At least the "progressive" leadership of future politics must be willing to move with, and unwilling to move without, a well-established consensus of scientific opinion as to the most desirable course of experimentation.

Such a respect for the scientific attitude toward problems of public service necessarily requires the constant guarding of freedom of thought and speech; the protection of individual and collective experiments in a better way of living. Indeed, progressive thought must hold these freedoms to be of first importance, the social

necessities that correspond to the body needs for food and drink and rest. To the extent that the individual is free to think and to exchange views, to experiment with his own life, and in groups with group life — to that extent only is social advance made possible. Of course, restraints upon a theoretical freedom are required to create and to preserve the greatest quantity of actual freedom. But if such restraints are declared and administered scientifically through democratic processes, they will be, in fact, only self-restraints whereby progress will not be handicapped. It is the censorship of ignorance and prejudice employed to suppress intelligence from which the world has suffered most.

The "progressive" in the future, as usually in the past, will be found in the forefront of every struggle to get the facts and to publish them together with every possible interpretation of their significance. He will be found eagerly listening to criticisms of the established order and discussing radical changes which are proposed or being tried — not because he is fault-finding and destructive by nature, but because his ambitions are essentially constructive and he sees only drudgery in the mere reproduction tomorrow of

the life of today. He wants to know what is weak and "wrong" and then to experiment to find something stronger and more nearly "right."

The "progressive" turns his thought upon government and sees a machinery of cooperative power, whereby men may work together to enrich and make more satisfying their individual lives — just as life in a harmonious household has more substance and flavor than life alone. He sees this cooperative power to improve the general welfare being wasted and diverted to special uses — to enrich limited groups, to support private powers that may or may not be used to advance the common good. These are wrongs that he yearns to abolish, and in the enthusiasm of youth he may insist on launching a frontal attack upon them. But if increasing years bring a better understanding of their cause, without discouragement, he will learn that they will continue until a substantial majority of the people learn, first, that a better way of living is possible, second, how the existing scheme of things deprives them of this better life, and third, how a system can be organized and operated that will aid them to advance. So a scientific plan is needed and then education to obtain a majority sanction, not only

to experiment, but to fail and to improve until at last the new social mechanism can be operated successfully.

Thus political reform may be a slow process, but one of permanent achievement. For the beginnings of social research indicate that only by such a union of science and democracy can we reasonably expect to develop a political science able to guide a government suited to the human beings whom natural science has already endowed with superhuman powers.

So the "progressive" of the coming generations may be less impatient than his forebears; he may be less willing to fight for a reform which may be an illusion, less willing to try to make men good or efficient by passing a law, less willing to attack established error with a conscript army — undisciplined and uncertain of the merit of its leaders or their plan. But of the importance of one governmental policy he may feel well assured; and be determined to accept no substitute: Political force, the massed power of all the people, shall not be used to suppress the aspirations and to destroy the work of those faithful, scientific servants of mankind, whose patient labors, whose free imagination and unrestrained energy, must

be relied upon to generate the power of increasing knowledge that lifts humanity from the level of one generation to the higher level of the next, where fathers and mothers wish to see their children dwell.

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